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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Third periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

## Addendum

## DENMARK* **

[12 August 1996]

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* The second periodic report concerning rights covered by articles 6 to 9 (E/1984/7/Add.11) submitted by the Government of Denmark was considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights at its 1984 session (see E/1984/WG.1/SR.17 and 21). The second periodic report concerning rights covered by articles 10 to 12 (E/1986/4/Add.16) was considered by the Committee on Economic, Social and Cultural Rights at its second session (see E/C.12/1988/SR.8-9) in 1988.

** The information submitted by Denmark in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.58).

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* Appendices are available for consultation in the files of the Centre for Human Rights.

# I. IMPLEMENTATION OF GENERAL PROVISIONS OF THE COVENANT

## Article 1. The right of self-determination

### Greenland

1. Greenland is a geographically separate and well-defined part of the Danish Realm covering an area of 2,175,600 square kilometres. The population is, by and large, made up of an indigenous people (ethnic Greenlanders/ Kalaallit or Inuit) with a language and culture distinct from the Danish. As of 1 January 1995, 48,212 persons out of the total population were born in Greenland and 7,320 were born outside Greenland. The population born in Greenland is the approximate size of the indigenous population.

2. Denmark integrates the right of peoples to self-determination as also being applicable to indigenous peoples. In the following it is described how the observance of this right has been achieved in the case of the people of Greenland, which is the only indigenous people living within the Danish Realm.

3. The Danish Constitution applies to all parts of the Danish Realm. Since 1953 Greenland has been represented by two permanent members in the Danish Parliament.

4. The Home Rule Act of 1978 enabled Greenland to take over responsibility for almost all fields of society appertaining exclusively to this community. Reference is made to reports submitted by the Government of Denmark under article 40 of the International Covenant on Civil and Political Rights concerning the introduction of Home Rule in Greenland, contained in documents CCPR/G/Add.19, CCPR/C/37/Add.5 and CCPR/64/Add.11.

5. Denmark has ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. This Convention applies to the indigenous population in Greenland. Ratification by Denmark was encouraged by the Home Rule authorities, thereby declaring that the Home Rule Act for Greenland fulfils the obligations of the Convention.

### Home Rule in Greenland

6. In 1972, the Provincial Council of Greenland recommended to the Danish Government that the issue of granting the Provincial Council increased influence upon and joint responsibility for the development of Greenland be studied. A Commission on Home Rule in Greenland composed of Greenland and Danish politicians was established by the Danish Government. On the basis of the recommendations and proposals of this Commission, the Danish Parliament passed the Greenland Home Rule Act in November 1978. By a referendum held in Greenland on 17 January 1979, a large majority of the population of Greenland approved the coming into force of the Act; 70 per cent of the votes cast favoured the introduction of Home Rule in Greenland which became effective as of 1 May 1979.

Home Rule powers

7. Greenland Home Rule is an extensive type of self-government. By the Greenland Home Rule Act the Danish Parliament has delegated legislative and executive powers to the Home Rule Authority, consisting of a popularly elected legislative assembly: the Greenland Home Rule Parliament (Landsting) and the Greenland Home Rule Government (Landsstyre). The powers transferred by statute are in principle identical to the powers exercised by the central authorities of the realm in other parts of Denmark. Consequently, the Danish Parliament and the Danish Government refrain from enacting legislation and exercising administrative powers in the fields where these powers have been transferred to the Home Rule authorities.

8. The Home Rule Act provides that the Home Rule Authority may request that a number of fields specified in a Schedule annexed to the Act be transferred to Home Rule. The list of functionally defined, transferable fields contained in the Schedule is not exhaustive; however, transfer of legislative and executive powers in fields other than those listed in the Schedule is subject to prior agreement between the Home Rule Authority and the central authorities of the realm.

9. Since the establishment of Home Rule in 1979, the Home Rule Authority has exhausted the list in the Schedule and thus assumed authority in most aspects of life in Greenland, including the organization of the Home Rule system, taxation, regulation of trade including fisheries and hunting, education, supply of commodities, transport and communications, social security, labour affairs, housing, environmental protection, conservation of nature and health services.

Procedures for the transfer of powers to Home Rule

10. Greenland Home Rule rests on the basic principle that legislative power and the power of the purse should not be divided. Consequently, the Home Rule Act provides that when the Danish Parliament transfers a field to Home Rule, the Home Rule Authority must assume the inherent expenses. Conversely, the Home Rule Authority is the sole beneficiary of taxes and revenue generated in fields transferred to Home Rule. Since Greenland self-financing is not yet possible in a number of capital-intensive fields an instrument has been created in the Home Rule Act to facilitate transfer of powers to Home Rule in fields requiring Danish subsidies.

11. According to the Act the Danish Parliament may by statute effect a transfer of authority and the subsidies to be paid in such fields through vesting the Home Rule Authority with the power to issue statutory orders within a subsidized field. The Danish Parliament passes, upon consultation with the Home Rule Authority, an Enabling Act specifying the competence transferred to Home Rule and establishing a framework in the form of a few fundamental principles for each field while leaving it to the Home Rule authorities to decide the more detailed regulations and undertake the administration of the said field.

12. The Danish subsidies to the Home Rule Authority are not earmarked for specific purposes but granted as a lump sum. Thus, the Home Rule Authority has virtually complete freedom to determine the order of priority for expenditure of the funds allocated by the Danish Parliament. The Danish block grants are fixed by Acts of the Danish Parliament for three-year periods, and the amount is provided for annually in the Danish budget.

Unity of the realm and constitutional limits to Home Rule

13. The Home Rule Act has not altered Greenland's constitutional status as a part of the Danish Realm. The constitutional principle of the national unity of the realm, derived from the Danish Constitution and expressed in the Home Rule Act, sets certain limits to the scope of Greenland Home Rule: sovereignty continues to rest with the central authorities of the realm; Greenland remains a part of the Danish Realm; only fields appertaining exclusively to Greenland may be transferred to Home Rule; the delegation of powers cannot be unlimited and must be precisely defined by statute; certain fields, the so-called affairs of State, may not be transferred to Home Rule. These exclusive affairs of State include external relations, defence policy and monetary policy.

14. However, with respect to non-transferable and non-transferred fields, the Home Rule Authority has an important advisory function with respect to the central authorities of the realm. Proposed legislation exclusively addressing Greenland affairs must be submitted to the Home Rule Authority for comments prior to the introduction of the bill in the Danish Parliament. When proposed legislation is "of particular importance to Greenland" the Home Rule Authority must be consulted before it is put into effect in Greenland.

Joint decision on mineral resources

15. The Home Rule Act states that the resident population of Greenland has fundamental rights to the natural resources of Greenland. In respect of mineral resources, the Home Rule Act contains a special provision vesting joint decision-making power in the national authorities and the Home Rule authorities, making it possible for either party to oppose (eventually to veto) a development policy or specific resolutions considered by the party in question as being undesirable. The Commission of Home Rule applied the principle that, in the wording of the legislation on mineral resources as well as of the Home Rule Act, due respect must be paid to national unity and thus also to the interests of the whole nation.

"Greenlandization"

16. With the introduction of Home Rule an intensive process of "Greenlandization" commenced. The autonomy of Greenland was symbolized by the bringing into existence of an official Greenland flag and coat of arms. The Home Rule Authority has made great efforts to preserve the Greenland culture and heritage. The language is of vital importance and the Home Rule Act proclaims Greenlandic to be the principal language in Greenland.

Greenland and Danish foreign policy

17. The power to conduct foreign policy is a constitutional prerogative of the Danish Government and no part of this prerogative may be transferred to Greenland Home Rule. However, the Home Rule Act has created cooperative procedures serving to accommodate the interests of Greenland and to alleviate potential conflicts of interest between Greenland and Denmark in matters of foreign policy granting the Home Rule Authority a number of important functions of an advisory, representative and executive nature.

18. Extensive legislative and executive powers, territorially as well as functionally defined, have been transferred to Home Rule. Consequently, the cooperation of the Home Rule Authority will often be necessary to fulfil Denmark's international obligations. Accordingly, the Home Rule Act provides that the Danish Government must consult the Home Rule Authority before entering into treaties that particularly affect Greenland interests. This consultative procedure applies whether or not the treaty concerns a transferred field.

19. International treaties concluded by the Danish Government and customary international law bind the Home Rule Authority to the same extent as they do the Government of Denmark. In order to ensure that Denmark and Greenland comply with their international obligations, the Danish Government may direct the Home Rule Authority to take the necessary steps to fulfil such obligations.

20. Legislative and administrative orders of the Home Rule Authority, e.g. concerning regulation of fisheries, may affect third State interests and the position of the Danish Government vis-à-vis other countries. Under the Act the Home Rule Authority is, therefore, under obligation to consult the central authorities of the realm before introducing measures that might prejudice Denmark's interests.

21. The Home Rule Authority may send representatives to Danish diplomatic missions in order to safeguard important commercial interests of Greenland.

22. Although, in principle, treaty-making powers are vested exclusively in the Danish Government, the central authorities of the realm may, upon request, authorize the Home Rule Authority to conduct, with the assistance of the Foreign Service, international negotiations on purely Greenland affairs. The Home Rule Authority has notably availed itself of the right to conduct bilateral negotiations in connection with the conclusion of fishery agreements.

23. Greenland is not a member of the European Union.

## Article 2. Implementation

Paragraphs 1 and 2 of the guidelines (non-discrimination)

24. Reference is made to the latest Danish periodic report submitted in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/280/Add.1).

25. In Danish law, it is a basic principle that Danish nationals and non-nationals with permanent residence permits are treated equally. Consequently, the enjoyment of economic, social and cultural rights is equally guaranteed to Danish nationals and non-nationals living in Denmark on a permanent basis. However, differences apply to voting rights and access to employment in certain civil servant positions. Persons who are not currently living in Denmark (nationals or non-nationals), or who have not been living in Denmark for a period of at least five years, can only buy real estate in Denmark with the permission of the Ministry of Justice. Only non-nationals can be extradited while only Danish nationals are subjected to compulsory military service.

26. Beyond the basic principle of equality, Danish law contains provisions specifically aimed at guaranteeing non-discrimination.

27. The Criminal Act prescribes punishment in the form of a fine, simple detention or imprisonment for up to two years for any person who, publicly or with the intent of propagating them to a wider circle, makes statements or any other communication by which a group of persons is threatened, insulted or exposed to indignities on the grounds of race, colour, national extraction, ethnic origin, religion or sexual orientation (cf. sect. 266 B of the Act). When meting out the punishment it must be considered an aggravating circumstance whether the activity is in the nature of propaganda activities.

28. According to the Act on Prohibition of Discrimination Owing to Race, etc. a person who, while performing occupational or non-profit activities, refuses to serve another person under the same conditions as others, owing to the other person's race, colour, national extraction, ethnic origin, religion or sexual orientation, is punishable with a fine, simple detention or imprisonment for up to six months. In the same manner, a person is punishable if he or she, for any of the above reasons, refuses to admit a person on the same conditions as others to a place, performance, exhibition, gathering or similar which is open to the public. Companies, as well as natural persons, can be punished for violation of the Act.

29. The Act on the Racial Equality Board sets up a mechanism to combat unequal treatment in all its aspects and to support equal opportunities for all ethnic groups in society.

Paragraph 3 of the guidelines (development assistance)

30. In March 1994 the Government submitted to the Danish Parliament a new development strategy "A Developing World: Strategy for Danish Development Policy towards the Year 2000". The parliamentary debate that followed demonstrated broad political consensus on the strategy. The plan for Danish development assistance 1996-2000 reflects the initiatives that have so far been initiated as a follow-up to the strategy.

31. Danish development policy is an integral part of Danish foreign policy, in which the main objectives are, inter alia: promotion of common security, promotion of democratic government and human rights, creation of economic and social development and ensuring ecologically sustainable development.

32. Poverty alleviation constitutes a fundamental principle of Danish development assistance. The poverty alleviation strategy of Danish official development assistance can be condensed into three main points:

(a) The promotion of sustainable and socially balanced economic growth;

(b) The development of the social sector, including the promotion of education and health services as prerequisites to the development of human resources;

(c) Promoting popular participation in the development process, the development of a society based on the rule of law and good governance as prerequisites to stability and economic, social and political progress.

33. The general - cross-cutting - principles of Danish assistance are, firstly, that the situation of women is given special attention to ensure that women's economic and social role is central to the development process. Secondly, the environmental aspect must be integrated into aid programmes to ensure that coherence between environment and development becomes an integral part of Denmark's poverty-oriented aid. Thirdly, the promotion of democratization and human rights constitutes the last cross-cutting theme. The improvement of human rights based on respect for the individual is a goal in itself. It contributes - together with popular participation in the decision-making processes - to the development of a stable society.

34. The perspective of the Strategy for Danish Development Policy towards the Year 2000 will be to assist developing countries in their efforts to achieve sustainable development based on the improvement in living conditions through socially balanced economic growth and with respect for political independence.

35. In addition to promoting mutual understanding and solidarity through cultural cooperation between peoples, the assistance aims at creating equal and free opportunities for the individual, in accordance with the aims and principles of the Charter of the United Nations, the development of human resources and the respect of the individual, as well as the creation of pluralistic civil societies. Particular emphasis is placed on the improvement of the social and economic status of the rural population, in particular the poorer and more vulnerable groups of the population. As an important part of the assistance given to promote respect for human rights, particular emphasis is placed on activities in support of vulnerable groups, inter alia, the indigenous peoples. Assistance is given partly to support the pursuit of political objectives, partly towards concrete activities.

36. The Government plans to maintain the development assistance at 1 per cent of GNP during the next five years. On that basis assistance in 1996 is expected to amount to DKr 10,189,000,000, increasing to approximately DKr 11,771,000,000 by the year 2000.

## II. IMPLEMENTATION OF THE SPECIFIC RIGHTS CONTAINED IN THE CONVENTION

### Article 6. The right to work

37. Reference is made to the second periodic report submitted by the Government of Denmark (E/1984/7/Add.11), the latest reports submitted by the Government of Denmark in 1994 and 1995 respectively to the International Labour Office on the implementation of Convention No. 122, Employment Policy and Convention No. 111, Discrimination (Employment and Occupation), and reports on the International Convention on the Elimination of All Forms of Racial Discrimination (submitted in 1996) and the Convention on the Elimination of All Forms of Discrimination against Women (submitted in 1993).

Paragraph 2 (a) of the guidelines (information on employment)

38. The development of the labour market as regards employment, activity rate and unemployment is shown in the table below which gives the population broken down by sex and labour market participation. The survey was prepared by Statistic Denmark.

| Population broken down by sex and labour market participation (number of persons) | 1985 | 1990 | 1994 |
|---|---|---|---|
| Whole population | 5 111 108 | 5 135 409 | 5 196 642 |
| Women | 2 594 036 | 2 604 812 | 2 633 200 |
| Men | 2 517 072 | 2 530 597 | 2 563 442 |
| Outside the labour force | 2 277 478 | 2 227 664 | 2 288 339 |
| Women | 1 309 311 | 1 260 597 | 1 279 967 |
| Men | 968 167 | 967 067 | 1 008 372 |
| In the labour force | 2 833 630 | 2 907 745 | 2 908 303 |
| Women | 1 284 725 | 1 344 215 | 1 353 233 |
| Men | 1 548 905 | 1 563 530 | 1 555 070 |
| Unemployed a/ | 235 238 | 233 913 | 323 437 |
| Women | 127 959 | 124 859 | 164 138 |
| Men | 107 279 | 109 054 | 159 299 |
| Employed | 2 598 392 | 2 673 832 | 2 584 866 |
| Women | 1 156 766 | 1 219 356 | 1 108 370 |
| Men | 1 441 626 | 1 454 476 | 1 215 343 |
| Part-time employed | 502 331 | 488 387 | 420 242 |
| Women | 383 918 | 340 224 | 275 815 |
| Men | 118 413 | 148 163 | 144 427 |
| Activity rate 16-66 years b/ | 79.9 | 80.3 | 79.4 |
| Women | 73.8 | 75.9 | 75.6 |
| Men | 85.8 | 84.6 | 83.2 |

| Population broken down by sex and labour market participation (number of persons) | 1985 | 1990 | 1994 |
|---|---|---|---|
| Employment rate 16-66 years c/ | 73.0 | 73.6 | 70.3 |
| Women | 66.3 | 68.6 | 66.2 |
| Men | 79.6 | 78.4 | 74.3 |
| **Population by occupational status (number of persons)** | **1985** | **1990** | **1994** |
| Total | 5 111 108 | 5 135 409 | 5 196 642 |
| Self-employed | 257 950 | 238 845 | 233 975 |
| Assisting spouses | 56 855 | 39 833 | 27 178 |
| Salaried employees | 1 147 152 | 1 233 981 | 1 230 576 |
| Skilled workers | 299 879 | 291 731 | 288 040 |
| Unskilled workers | 571 361 | 570 224 | 509 389 |
| Other employees | 265 195 | 299 218 | 295 708 |
| Unemployed persons | 235 238 | 233 913 | 323 437 |
| Early retired/pensioners | 878 266 | 945 046 | 977 586 |
| Other persons outside the labour force | 1 399 212 | 1 282 618 | 1 310 753 |
| Women as percentage of total | 50.8 | 50.7 | 50.7 |
| Self-employed | 18.5 | 21.3 | 23.3 |
| Assisting spouses | 98.9 | 97.8 | 96.5 |
| Salaried employees | 53.2 | 54.5 | 54.8 |
| Skilled workers | 6.4 | 7.4 | 9.1 |
| Unskilled workers | 50.1 | 50.8 | 50.4 |
| Other employees | 51.6 | 49.0 | 51.3 |
| Unemployed persons | 54.4 | 53.4 | 50.7 |
| Early retired/pensioners | 61.2 | 61.4 | 60.9 |
| Other persons outside the labour force | 55.1 | 53.1 | 52.3 |

a/ Calculated as persons who were fully unemployed during the last week of November.

b/ The activity rate indicates the number of persons in the labour force in the age group 16-66 years as a percentage of the total population in the age group 16-66 years.

c/ The employment rate indicates the number of persons in the labour force in the age group 16-66 years as a percentage of the total population in the age group 16-66 years.

Paragraph 2 (b) and (c) of the guidelines (measures to ensure productive work for all)

39. The most important objective of the Government's economic policy is to reduce unemployment. It is important to ensure economic growth and to create new jobs. The main elements of the Government's policy are a number of reforms of the labour market and a strengthening of educational/training initiatives, a tax reform, promotion of growth and "green policies", and opportunities for all, including the most disadvantaged groups.

40. The main emphasis in connection with initiatives targeted on the unemployed has been shifted from passive support to active measures with a view to bringing more people into employment. The aim is a more decentralized and flexible activation system with more freedom of choice for the individual and with great emphasis on education/training and rotation schemes.

41. The offers to the unemployed should to a greater extent be adapted to the wishes of the individual person and to the needs of the local labour market. The management of initiatives should therefore be placed in the hands of the regional labour market councils composed of representatives of the social partners as well as county and municipal authorities.

Paragraph 2 (d) of the guidelines (freedom of choice of employment)

42. There is no discrimination in Denmark as regards freedom of choice of employment and the conditions of employment do not infringe upon fundamental political and economic freedoms of the individual. On the contrary, the policy is designed to give all individuals both education and appropriate work.

Paragraph 2 (e) of the guidelines (technical and vocational training programmes)

43. The vocational training reform came into operation on 1 January 1994. The reform further develops the close cooperation with the social partners. Furthermore, with effect from 1 January 1995 a new financial management system has been introduced for the vocational training programmes. This new system classifies the different training programmes in various categories and the fee to be paid will depend on the category. This new financial management system aims at creating closer ties between the training provided by technical centres and the training provided by technical schools and business schools. The new system also better utilizes the capacity and resources available. At the same time, all types of qualifying labour market training are included in a single programme irrespective of whether it is a matter of training unskilled workers, skilled workers, supervisors, etc. The new legislation also extends vocational training activities in relation to, for instance, employees in the public sector.

44. The vocational training system offers a broad variety of courses for both persons in employment as well as unemployed persons. Vocational courses fall into three categories:

(a) Individual courses or national courses which enable individuals in need of education or further training to acquire, maintain or improve their qualifications in accordance with the needs of the enterprises, the labour market and the individual. Qualifying vocational training courses are, most often, built up as modules of one to five weeks' duration. Each module gives the participants formal qualifications for further training and employment. This modular structure makes it possible to establish systematic alternating training where the necessary further qualifications may be adapted to the needs of the individual and of the enterprise concerned. In addition to these modular courses the vocational system also offers longer training programmes which give participants formal qualifications which may - alone or in combination with other types of training - lead to a skilled level. These programmes are offered to both employed persons and unemployed persons;

(b) Enterprise-oriented courses supplement the ordinary Labour Market Training (AMU) courses, which are free of charge to enterprises. However, an enterprise with special needs may purchase AMU courses specially tailored to suit the needs of the enterprise;

(c) Special courses for unemployed persons have been developed in line with the growth in unemployment. Their objective is to improve the participants' prospects of employment or training. The target group comprises persons who have difficulty in obtaining employment or in maintaining their attachment to the labour market or the training system.

45. The specially organized training activities include:

(a) Vocational training of one year's duration for unemployed persons who are more than 25 years old. This training programme is technical/vocational training which includes general subjects and which is organized as alternating periods of theoretical training and practical training in enterprises;

(b) Long-term vocational training courses for unemployed persons above the age of 18 years. These are composed of formal vocational education combined with work introduction and vocational guidance;

(c) Training for refugees, which may take the form of formal vocational education, work introduction courses and vocational guidance combined with language courses;

(d) Short- or long-term vocational guidance programmes which aim at strengthening the unemployed person's chances of obtaining employment and at motivating and inspiring participants to be active in relation to their future situation on the labour market. On the basis of the unemployed person's individual situation the participants are given information and guidance on employment opportunities on the local labour market and on the future labour market. They are informed about education and training opportunities.

46. The programmes - which typically have a duration of one to two weeks - are completed by the drawing up of a personal action plan which the participants may use, for instance in relation to the public employment service.

Paragraph 2 (f) of the guidelines (difficulties encountered)

47. Reference is made to the above-mentioned information.

Paragraph 3 (a) of the guidelines (distinctions, exclusions, restrictions or preferences between persons or groups of persons)

48. Reference is made to article 2.

49. A new bill has been submitted to the Parliament in 1996. The main aim is to implement the Discrimination (Employment and Occupation) Convention (ILO Convention No. 111) and the International Convention on the Elimination of All Forms of Racial Discrimination. The bill comprises the criteria mentioned in these two conventions, i.e. discrimination on the basis of race, colour, religion, political opinion or national, social or ethnic origin. The bill further contains a prohibition against discrimination due to sexual inclination. This criterion has been included because Danish legislation in a number of fields gives protection against discrimination on this basis by private and public authorities.

50. The bill prohibits both direct and indirect discrimination. The prohibition against discrimination applies to all employers, both private and public, any person who engages in guidance and education/training activities, and any person engaged in placement in connection with recruitment, dismissal, transfer, promotion or as regards pay and working conditions. The prohibition applies at all stages of an employment relationship.

51. The bill does not prevent other legislation or public measures being introduced with a view to promoting employment opportunities for persons of a specific race, colour, religion, etc.

Paragraph 3 (b) of the guidelines (situations regarding vocational guidance, etc.)

52. Reference is made to Denmark's second periodic report (E/1984/7/Add.11, paras. 12-29).

Paragraph 3 (c) of the guidelines (distinction not considered as discrimination)

53. Reference is made to paragraph 3 (a).

Paragraph 4 of the guidelines (proportion of the working population holding more than one full-time job)

54. The share of persons with a second job shows some variations according to the analysis methods used. According to the register-based labour force statistics the share of employed persons holding a second job was 12.9 per cent by the end of 1989. According to the labour force surveys of Statistic Denmark the figure was 5.4 per cent in 1990. However, these figures do not say anything about the share of persons who have more than a full-time job, as the criterion is a second job in addition to the main occupation. By way of example, many persons may have two part-time jobs.

Paragraph 5 of the guidelines (changes since the previous report)

55. As an element of the labour market policy measures new rules have been introduced on leave schemes.

56. The first legislation on leave came into force on 1 July 1992. Under this legislation employees could obtain parental leave and training leave with a leave allowance of up to 80 per cent of the maximum rate of unemployment benefits. It was a condition for obtaining leave that the employee was a member of an unemployment insurance fund and satisfied the conditions for obtaining unemployment benefits. The leave had to be agreed with the employer and the vacancy had to be filled with an unemployed person qualifying for unemployment benefits.

57. In mid-April 1993 the legislation on leave was radically changed in a number of respects. One of the changes is that it has now become possible also for self-employed persons and for unemployed members of an unemployed insurance fund to take leave.

58. As an element of the labour market and leave reform, a new Act on leave was passed by the Danish Parliament which came into operation on 1 January 1994. The aims of the leave schemes are:

(a) To create rotation on the labour market by persons in employment taking leave and unemployed persons taking over the jobs during the leave period;

(b) To increase the qualifications of the labour force in that persons in employment take leave to undergo further and continued training and unemployed persons obtain job training in the jobs they take over during the leave period;

(c) To give people a better quality of life, for instance by making it possible for them to take parental leave to take care of their children.

59. The most important changes are:

(a) Sabbatical leave, i.e. leave which can be freely used for any purpose by the person taking leave;

(b) The allowance payable in connection with training leave has been increased to 100 per cent of the maximum rate of the unemployment benefit;

(c) Non-insured employees, non-insured self-employed persons and persons receiving cash assistance may also obtain parental leave;

(d) There is no requirement for the employer to recruit a replacement to take over the job of the person taking leave, except in connection with sabbatical leave.

60. All leave schemes are administered by the public employment service. As regards members of an unemployment insurance fund, the allowances paid during the leave are paid by the fund. As regards non-insured persons, the allowance

during the leave (parental leave only) is paid by the municipal authorities. Leave may be obtained to undergo education/training (training leave), to take care of children (parental leave) or for sabbatical purposes (sabbatical leave), as described below:

(a) Training leave

Target group: members of an unemployment insurance fund (employees, self-employed persons and unemployed persons who receive unemployment benefits).

Aim: education/training purposes for at least one week and not more than one year. The education/training must be formally recognized training; however, leave cannot be obtained to undergo higher and medium-level education.

Conditions: the person taking leave must be at least 25 years old and must have been in full employment for the last three years out of the last five years. Employees and self-employed persons must also qualify for unemployment benefits under the Unemployment Insurance Act. Employees must enter into an agreement with their employer concerning the leave. Self-employed persons must substantiate that it is possible to suspend their self-employment activities during the leave period, for instance by recruiting a replacement. Unemployed persons must receive unemployment benefits as fully unemployed.

Allowance: 100 per cent of the maximum rate of unemployment benefit.

Replacement: There is no duty for the employer to recruit a person to take over the job of the person on leave.

(b) Sabbatical leave

Target group: the person taking leave must be at least 25 years old.

Aim: no requirements exist as to the purpose. Sabbatical leave may be taken for up to one year.

Conditions: the person applying for leave must have been in full employment for at least three years out of the last five years and qualify for unemployment benefits.

Allowance: 70 per cent of the maximum rate of unemployment benefit.

Replacement: it is a condition that a long-term unemployed person is recruited to take over the job of the person taking sabbatical leave.

The scheme will expire by the end of March 1999.

(c) Parental leave

Target group: employees, self-employed persons, unemployed persons receiving benefits, unemployed persons receiving cash assistance under the Social Assistance Act. Membership of an unemployment insurance fund is not required.

Aim: parental leave may be taken to take care of the person's own children under the age of 9 years for periods of at least 13 weeks and up to one year.

Conditions: employees and self-employed persons must qualify for sickness benefits under the Act on Sickness Benefits. Employees must enter into an agreement with their employer on the leave. Self-employed persons must substantiate that it is possible to suspend their self-employed activities during the leave period, for instance by recruiting a replacement. Unemployed persons must receive unemployment benefits as fully unemployed or receive cash assistance under the Social Assistance Act. Persons in employment have a right to leave for periods of 13/26 weeks according to the age of their children. The same protection applies as in connection with maternity leave/parental leave in connection with birth, and this means a reversal of the burden of proof for the employer if the person concerned is dismissed in connection with leave.

Allowance: up to 70 per cent of the maximum rate of unemployment benefit. The allowance paid to persons on social assistance is the same as the social assistance payment to which they are entitled. In connection with parental leave it is possible for the municipal authorities to supplement the allowance paid to parents on leave by an amount of up to DKr 35,000 per year.

Replacement: there is no requirement for the employer to recruit a replacement for a person who takes parental leave.

## Article 7. Just and favourable conditions of work

### Paragraph 1 of the guidelines (reference to previous report)

61. Reference is made to the second periodic report submitted by the Government of Denmark (E/1984/7/Add.11) and to the reports submitted by the Government of Denmark to the International Labour Office on the implementation of the following ILO Conventions (the latest year of reporting is indicated in parenthesis):

(a) Convention No. 100, Equal Remuneration (1993);

(b) Convention No. 14, Weekly Rest (Industry) (1994);

(c) Convention No. 106, Weekly Rest (Commerce and Offices) (1994);

(d) Convention No. 81, Labour Inspection (1995);

(e) Convention No. 129, Labour Inspection (Agriculture) (1993).

Paragraph 2 (a) and (b) of the guidelines (system of minimum wages)

62. Denmark has no legislation as regards minimum wages. Wages are determined by collective agreements between organizations of employees and employers.

63. In the labour market for manual workers there are, generally speaking, two different wage systems. In the standard wage system the wage rate is agreed on for a specific period and wages increase only according to principles specified in the collective agreement. In the minimum wage system a minimum rate is fixed and personal supplements come on top of this. For non-manual employees the negotiations normally take place on the basis of a standard wage system, though with different seniority rates.

64. Collective bargaining often takes place at several levels at the same time, basic pay and the framework being agreed centrally whereas more specific questions are negotiated locally. Often the range of matters which can be agreed on locally will be wide, for instance regarding personal supplements and supplements provided for in the agreement as well as matters regarding the working conditions of the individual enterprise.

65. Even though the employers' organizations organize less than one third of all private sector employees, the collective agreements between the social partners have always been trend-setting for wages and salaries in the rest of the private sector labour market, as many of these other agreements are being drafted as "adhesion agreements".

Paragraph 2 (c) of the guidelines (equality of remuneration)

66. Reference is made to the third periodic report of the Government of Denmark on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, pp. 20-21.

Paragraph 2 (d) of the guidelines (income distribution of employees)

67. The table below shows the average hourly pay for employees in the private sector and the average annual salary of public employees. No statistics are available in Denmark on salaries in comparable jobs in the private and public sector.

| | 1985 | 1990 | 1992 |
|---|---|---|---|
| Wage of a manual worker in industry and crafts, hourly pay in DKr | | | |
| All workers | 83.4 | 110.7 | 118.6 |
| Skilled workers | 91.6 | 121.7 | 128.8 |
| Unskilled men | 81.6 | 108.4 | 116.7 |
| Unskilled women | 72.8 | 96.0 | 103.9 |

| | 1985 | 1990 | 1992 |
|---|---|---|---|
| Average annual salary of public employees, 1,000 DKr | | | |
| Public employees - total | 178.9 | 224.7 | 239.5 |
| Women | 159.5 | 202.7 | 217.2 |
| Men | 184.9 | 233.3 | 248.3 |
| Local government employees - total | 165.3 | 209.6 | 223.1 |
| Women | 151.5 | 194.1 | 208.5 |
| Men | 183.2 | 233.2 | 245.7 |

Paragraph 3 of the guidelines (minimum conditions of occupational health and safety)

68. In Denmark the question of the safety and health of employees is regulated by the Working Environment Act. This Act was first adopted in 1975, but has later been amended in some fields. During the period 1983 till 1 January 1994 75 orders were issued on the basis of the Working Environment Act. There are four main (framework) orders:

(a) Performance of the work;

(b) Design of permanent workplaces;

(c) Substances and materials;

(d) Use of technical equipment.

Furthermore, there are a number of more specific orders, many of which are of a technical character.

69. The work of drawing up such orders has in recent years been to a great extent in the form of implementation of EU directives in the working environment field.

70. In practice, these orders are enforced by means of inspection visits to the enterprises by the local working environment authorities and in the case of non-compliance with the rules laid down in the orders, the authorities may either give the enterprise an order to comply with the rules within a certain time limit or it may report the violation to the police.

71. The Working Environment Act and orders issued on the basis of this Act apply, as a general rule, to any work performed for an employer with the exception of the following:

(a) Work in the private household of the employer;

(b) Work performed exclusively by members of the employer's family who belong to his household (with special rules for children and young persons);

(c) Work performed by the military forces which may be characterized as actual military service.

However, the so-called "extended scope of the Act" - i.e. the majority of the substantive rules - also covers work which is not performed for an employer as well as the above-mentioned exceptions. Other rules may be laid down in the scope of the individual orders. Some orders apply only to work performed by employees or to work performed as a commercial activity.

72. Reference is also made to the second periodic report submitted by the Government of Denmark (E/1984/7/Add.11, paras. 41-62).

Paragraph 3 (a) of the guidelines (categories of workers excluded from existing schemes or which benefit insufficiently or not at all)

73. The Working Environment Act makes no distinction between different categories of workers, i.e. part-time and full-time workers. All employees are covered by the existing occupational health and safety schemes.

74. Some branches of industry are exempted from the provisions of the Act, i.e. shipping, fishing and military services. These workers are covered by other provisions.

Paragraph 3 (b) of the guidelines (information on occupational accidents and diseases)

75. Reference is made to appendix 1.

Paragraph 4 of the guidelines (principle of equal opportunities for promotion)

76. Reference is made to the third periodic report by the Government of Denmark on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, pp. 18-19.

Paragraph 5 of the guidelines (rest and holidays with pay)

77. There have been no changes since the second periodic report by the Government of Denmark.

Paragraph 6 of the guidelines (changes since previous report)

78. Reference is made to the above-mentioned information.

## Article 8. Trade unions

Paragraph 1 of the guidelines (references to other reports)

79. Reference is made to the second periodic report submitted by the Government of Denmark (E/1984/7/Add.11). Reference is also made to the reports submitted by the Government of Denmark to the International Labour Office on the implementation of the following ILO Conventions (the latest year of reporting is indicated in parentheses):

(a) Convention No. 87, Freedom of Association and Protection of the Right to Organize (1994);

(b) Convention No. 98, Right to Organize and Collective Bargaining (1995);

(c) Convention No. 151, Labour Relations (Public Service) (1993).

Paragraph 2 (a), (b), (c) and (d) of the guidelines (conditions for joining and forming trade unions)

80. There are no conditions whatsoever for joining or forming a trade union. The authorities do not interfere with the right of any person to join or form organizations.

81. The freedom of association comprises both the right to be a member of a trade union - the positive freedom of organization - as well as the right not to join an association - the negative freedom of organization.

Paragraph 2 (e) of the guidelines (data on the number and structure of trade unions established)

82. The table below shows the number of members of the main organizations in Denmark as well as the number of members of organizations outside the main organizations as at 1 January 1994. The data have been provided by Statistic Denmark.

| | Total | Of which women |
|---|---|---|
| Federation of Danish Trade Unions (LO) | 1 509 828 | 729 984 |
| Federation of Danish Public Servants' and Salaried Employees' Organizations (FTF) | 331 774 | 212 847 |
| The central organization for supervisors and technical employees in Denmark (FR) | 73 344 | 9 673 |
| The central organization of academic staff (AC) | 127 786 | 40 576 |
| Outside the main organizations | 113 548 | 40 408 |

Paragraphs 3 and 4 of the guidelines (the right to strike)

83. In accordance with ILO Convention Nos. 87 and 98, the right to strike is not directly regulated by Danish law. The right to strike is considered to be a natural and necessary prerequisite for the exercise of the right to free collective bargaining. The right to strike is, however, implied in the law, as it is laid down in the Danish Industrial Tribunal Act (Lov om Arbejdsretten) that the Industrial Tribunal shall decide matters regarding the lawfulness of the use of collective action, including strikes. Thus, the actual implications of the right to strike are defined partly by the agreements entered into by the parties and partly by the practice of the

Danish Industrial Tribunal. The obligation to refrain from industrial action in the relevant industry while an agreement is in force is an important element of Danish industrial relations practice, which means that, except in very few cases, strikes are considered to be a conflict with the agreements.

84. The basic position is that all wage earners have the right to strike. This includes all persons whose employment is covered by an industrial agreement, regardless of whether they are employed in the private or public sector. However, in accordance with the Danish Government Employees Act (Tjenestemandsloven) and the corresponding rules for local government employees, public employees are not allowed to strike (cf. art. 8 (2) of the Convention). All employees of the police are public employees, and therefore may not strike. As to employees in the armed forces, the General Agreements entered into by the parties in the labour market for this field of employment make clear that striking is not a legitimate action.

Paragraph 5 of the guidelines (changes since the previous report)

85. In 1990 the Danish Parliament passed an Act amending the Act on protection against dismissal due to organizational matters. This legislation was originally introduced in 1982 to ensure that Denmark complied with its commitments under the European Convention on Human Rights. The amendment results in more severe sanctions for violation of the Act.

86. As a general rule, employees who are dismissed in violation of the provisions of the Act have a right to be reinstated if they so wish. For public employees the right to reinstatement is unconditional. For employees in private enterprises the person who has been unlawfully dismissed may be granted compensation in special cases when reinstatement is considered impossible. The level of the compensation has increased to between 1 and 24 monthly wages. Furthermore, a provision has been introduced which aims at accelerating the court procedure in connection with such cases. The Act applies to dismissals after 1 June 1990.

## Article 9. Social security

Paragraph 1 of the guidelines (ILO social security)

87. Denmark has ratified ILO Convention No. 102.

Paragraph 2 of the guidelines (branches of social security)

88. All mentioned branches of social security exist.

Paragraph 3 of the guidelines (main features of schemes)

89. Social pensions. In Denmark, older people and people with a reduced working capacity, etc. are provided for by way of assistance granted under the Social Pensions Act. Old-age pension is payable to everyone over the age of 67, and anticipatory pension is payable to people between the ages of 18 and 66 whose working capacity has been permanently reduced by at least one half due to a physical or mental disability, or to people over the age of 50 where social circumstances so warrant.

90. Old-age pension. Old-age pension (folkepension) is the basic Danish pension ensuring that all older people are provided for from the time they reach the age of 67. The old-age pension is financed by the central Government and is not based on insurance principles or dependent on any attachment to the labour market. People with no attachment to the labour market, such as housewives, are also granted old-age pension from the age of 67.

91. In principle, everyone is paid the same amount of old-age pension, and the pension must be of a reasonable amount to enable pensioners to lead a life on their own terms. The pension is, however, earnings-related (see below). At the same time, the pension system is based on the principle that it should be worthwhile to have an income in addition to the pension, be it income from private pension schemes or from other types of savings schemes.

92. Entitlement to old-age pension is subject to Danish nationality, residence in Denmark, permanent residence in Denmark for a minimum period of three years between the ages of 15 and 67, and the condition that the claimant has attained the age of 67. The condition of residence, however, does not apply to Danish nationals who have attained the age of 67 and who have had permanent residence in Denmark for a minimum period of 30 years between the ages of 15 and 67. Danish nationals who have been resident in Denmark for 30 years will, therefore, be entitled to old-age pension even if they are resident abroad.

93. As of 1 July 1994, Danish nationals who take up residence abroad after having been awarded a pension, maintain their entitlement to pension provided they have had permanent residence in Denmark after having attained the age of 15 and up to the date on which the pension is payable. If an application is submitted after the age of 67, the conditions as to residence must have been fulfilled at the same time that the applicant attained the age of 67.

94. Persons who have been resident in Denmark for at least 10 years between the ages of 15 and 67, when the pension is payable, and persons who have been granted residence permits in Denmark under section 6 or 8 of the Aliens Act are not subject to the provisions on nationality.

95. Under the bilateral agreements on social security which Denmark has concluded with a number of countries, people may, under certain conditions, especially after having completed a period of gainful employment in Denmark, be entitled to be granted a Danish social pension, both old-age pension and anticipatory pension, during their residence in the other contracting State and to transfer to that country a Danish pension that has already been granted. Other than the Nordic countries and the EU, Denmark has entered into agreements with Switzerland, Yugoslavia, Turkey, Morocco, Canada, Pakistan and Chile. Denmark is negotiating with Israel, Egypt, Australia and New Zealand.

96. Entitlement to an old-age pension at full rate is subject to a minimum period of permanent residence of 40 years in Denmark completed between the ages of 15 and 67. If a pensioner is not entitled to a pension at full rate, the pension will be fixed at the ratio of the actual period of residence completed between the ages of 15 and 67 and a period of 40 years.

97. The old-age pension comprises a basic amount, a pension supplement, and a special pension supplement. As of 1 January 1995, the rates are as follows:

| | |
|---|---|
| Basic amount: | DKr 44,508 annually |
| Pension supplement: | DKr 22,560 annually |
| Special pension supplement: | DKr 21,552 annually |

98. Personal allowance may be payable, upon assessment by local authorities, to pensioners whose financial situation is particularly difficult. The Act does not lay down any limitations as to the purpose for which a personal allowance may be granted. The allowance may, for example, be granted towards payment of expenses for medication, dietetic food, medical or dental treatment, and pedicure.

99. Furthermore, pensioners have a number of advantages under other legislation, such as housing benefit for pensioners, payment of radio licence fee and transport by public means of transport.

100. Anticipatory pension. Anticipatory pension may be granted to persons between the ages of 18 and 67. Such entitlement is subject to the health, needs, and age of the claimant. The highest amount of anticipatory pension may be awarded to persons between the ages of 18 and 60 whose working capacity has become negligible owing to physical or mental disabilities. The intermediate amount of anticipatory pension may be awarded to persons between the ages of 18 and 60 whose working capacity has been reduced by approximately two thirds owing to physical or mental disabilities. Increased ordinary anticipatory pension may be awarded to persons between the ages of 18 and 60 whose working capacity has been permanently reduced by at least one half owing to physical or mental disabilities. Furthermore, increased ordinary anticipatory pension may be awarded if the working capacity has been reduced by at least one half for health and social reasons, or in relation to persons between the ages of 50 and 67 when social and health conditions warrant an award of pension. For persons over 60, the pension will be awarded as ordinary anticipatory pension.

101. Increased ordinary anticipatory pension consists of a basic amount, a pension supplement, and an anticipatory amount which is to cover the higher subsistence expenses which young recipients of anticipatory pension are expected to have, as opposed to older recipients. The intermediate amount of anticipatory pension consists of a basic amount, a pension supplement and a disablement allowance which is to cover the special expenses connected with the physical or mental disabilities, just as the amount is considered to partly compensate for the lack of working capacity. The highest amount of anticipatory pension consists of a basic amount, a pension supplement, a disablement allowance, and an unemployability amount which - apart from expenses in connection with physical/mental disabilities - is to compensate for the lack of earning possibilities resulting from the disablement.

102. The composition and amount of the various types of pension as of 1 January 1995, both for single and married pensioners, appear in the table below. It also shows whether or not the benefits are earnings-related and/or taxable:

| | Highest amount of anticipatory pension | Intermediate amount of anticipatory pension | Increased ordinary anticipatory pension | Old-age pension and ordinary anticipatory pension | Taxable | Earnings related |
|---|---|---|---|---|---|---|
| Basic amount | 44 508 | 44 508 | 44 508 | 44 508 | + | + |
| Ordinary pension supplement | 22 560 | 22 560 | 22 560 | 22 560 | + | + |
| Special | 21 552 | 21 552 | 21 552 | 21 552 | + | - |
| Disablement allowance | 18 432 | 18 432 | | | - | - |
| Unemployability amount | 21 624 | | | | + | - |
| Anticipatory amount | | | 11 304 | | - | - |
| Total | 128 676 | 107 520 | 99 924 | 88 620 | | |

103. Personal allowances may be granted in addition to all types of pension if a pensioner's financial situation is particularly difficult. Furthermore, an outside-assistance allowance or a constant-attendance allowance may be awarded to people between the ages of 18 and 67 as a supplement to anticipatory pension or disability benefit. Outside-assistance and constant-attendance allowances are neither earnings-related nor taxable.

104. Outside-assistance allowance may be granted when an applicant is in need of constant assistance rendered by others owing to disablement, or when the disablement is caused by blindness or severe visual impairment. As of 1 January 1995, the outside-assistance allowance totals DKr 22,620 annually. Constant-attendance allowance may be granted when a disablement entails that an applicant needs constant care or attendance requiring other people to be present at all times. As of 1 January 1995, the constant-attendance allowance totals DKr 45,120 annually.

105. Disability benefits may be granted to persons between the ages of 18 and 66 who are not in receipt of any other pension. As of 1 January 1995, the disability benefit totals DKr 21,768 annually for singles. The disability benefit is neither earnings-related nor taxable.

106. Decisions made by the local authorities may be brought before the local Rehabilitation and Pensions Boards. Decisions taken by the local Rehabilitation and Pensions Boards may be brought before the national Board for Social Appeal.

107. The rules governing calculation of pension supplement are the same for old-age pensioners and anticipatory pensioners. For a married pensioner, the pension supplement will be calculated on the basis of both the pensioner's and his/her spouse's income apart from the social pension.

108. Semi-retirement pension. The semi-retirement pension scheme was introduced with effect from 1 January 1987. The purpose of the semi-retirement pension scheme is to provide actively employed people between the ages of 60 and 66 with a possibility to prepare a gradual retirement from the labour market before becoming full-time pensioners. The scheme makes it possible to combine part-time work with a public semi-retirement pension, so that the individual may reduce his/her working hours over a period of time according to his/her own wishes and needs. Semi-retirement pension is payable to wage earners and self-employed people between the ages of 60 and 66. Self-employed people, including assisting spouses, are also covered by the Act.

109. Different rules govern wage earners and self-employed people. The employment after the transfer to semi-retirement pension is decisive of whether the applicant is covered by the semi-retirement scheme for wage earners or that for self-employed people. When a person transfers to semi-retirement pension, his/her average weekly working hours must be reduced by at least seven hours during the nine months prior to the transfer. After the transfer, the average weekly working hours must be at least 12 hours and not more than 30 hours. Furthermore, there must be at least 20 working days in each quarter. Self-employed people must, when transferring to semi-retirement pension, reduce their weekly working hours by at least 18½ hours, so that the average weekly working hours after the transfer amount to 18½ hours.

110. Entitlement to semi-retirement pension is not subject to Danish citizenship. Foreign nationals living and working in Denmark are therefore entitled to semi-retirement pension, if the conditions are otherwise satisfied.

111. The annual semi-retirement pension is calculated on the basis of a basic amount equal to 82 per cent of the annual maximum amount of unemployment benefit, which as of 1 January 1995 totals DKr 108,992. Semi-retirement pension totals 1/37 of the basic amount for each hour by which the weekly working hours are reduced. If working hours, for example, are reduced from 37 hours to 15 hours, the semi-retirement pension will amount to 22/37 of DKr 108,992, i.e. DKr 64,806 annually.

112. Semi-retirement pension is payable up to and including the month in which the recipient reaches the age of 67. Semi-retirement pension is not payable together with anticipatory pension. Payment will be stopped from the time a pension or an advance on a pension is paid.

113. Sickness benefit. According to the Daily Cash Benefit (Sickness or Maternity) Act, employed and self-employed people may be absent from work owing to illness or injury. Employed and self-employed people partially incapable of working may be entitled to a reduced sickness benefit, i.e. when a physician finds that the employed person can work part-time.

114. According to the Daily Cash Benefit (Sickness or Maternity) Act, absence due to a child's illness does not entitle a person to sickness benefit. As regards employed people, some collective agreements include regulations on entitlement to receive benefits from employers in connection with absence due to a child's illness.

115. The sickness benefit is usually based on the hourly income which an employed person would have earned had he not been absent because of illness. It must not exceed a fixed maximum which as of 1 January 1995 amounts to DKr 69.08 per hour. After a period of sickness of two weeks, the sickness benefit must not exceed a fixed weekly amount. As of 1 January 1995, this maximum amounts to DKr 2,556.

116. Assistance to the sick and elderly. Home care on a permanent basis is provided for domestic work and personal needs to a person who, owing to a chronic affliction or infirmity, is in need of practical assistance.

117. In April 1990, the Social Assistance Act made it possible to receive, inter alia, home-care allowance in connection with care for terminally ill persons in their homes. The assistance comprises:

(a) Reimbursement of lost income paid to someone closely related who takes care of the dying person in this person's home, though not more than the maximum wages for domestic helpers;

(b) Reimbursement of prescribed medicine and articles without regard to the economic situation of the sick person or the person's family. The scheme is based on the idea that care in the home should not involve expenses that the sick person would not have incurred had the person in question been hospitalized;

(c) Domestic help free of charge in connection with care for the terminally ill.

118. Any person suffering from a disability or chronic infirmity due to sickness or old age may be eligible for assistance towards the cost of aids, including additional costs of such special articles of clothing as are necessary to enable the person concerned to carry on trade or business, or may substantially relieve his/her affliction, or largely facilitate daily life in his/her home. Any person suffering from disability or chronic infirmity due to sickness or old age may be eligible for necessary assistance to adapt the layout of his/her dwelling to meet his/her needs as much as possible. Assistance may be granted to meet the cost of help or special devices in service flats for disabled persons or old-age pensioners.

119. The local council shall provide or grant assistance towards welfare facilities for persons in receipt of a social pension with the exception of disability benefit. The municipal council shall ensure that persons whose condition requires constant attendance and care which cannot be provided in their own home during the day are admitted to a day-care home. Furthermore, the local council shall provide for the establishment of day-care centres within its area for such social welfare work as is best carried out in an institution. The municipal council must see to it that care on a 24-hour

basis is offered to persons having such a need for health reasons. The municipal council may fulfil its obligations in this respect by establishing 24-hour stand by services. Such services should establish a framework which ensures that the users will have the highest possible degree of influence, co-responsibility and well-being.

120. As of 1 July 1987, the Social Assistance Act no longer provides for the building of nursing homes and sheltered dwellings. Instead, dwellings for the elderly must be built according to the Act on Dwellings for the Elderly. Existing nursing homes and sheltered dwellings built according to the Social Assistance Act may, however, continue to be run after rebuilding and refurbishing has been carried out. Nursing homes and sheltered dwellings are some of the offers which the municipal council may establish in order to meet its obligations as laid down in the Social Assistance Act.

121. Compensation for industrial injuries. The Act on Compensation for Industrial Injuries covers any person who is employed in the services of an employer in Denmark. Foreigners working in Denmark are also covered by the Act, as are seamen working on board vessels flying the Danish flag. Persons who have been posted to carry out employment abroad are also covered by the provisions of the Act subject to certain terms and conditions. The Act includes paid as well as unpaid work of short or long duration, including private services rendered to the employer and his family.

122. An industrial injury is an injury sustained by a person as a consequence of the occupation or the conditions under which the occupation is carried out. This applies to industrial injuries and occupational diseases. An industrial injury is a suddenly occurring event causing damage to the health of the person concerned. The event must have occurred unintentionally. Diseases not included may, however, in certain cases be attributed to the work if it is established that the disease is caused by the special nature of the work.

123. The Act comprises the following benefits:

(a) Payment of costs incurred for treatment, rehabilitation and technical aids, etc.;

(b) Compensation for loss of working capacity;

(c) Compensation for permanent injury;

(d) Compensation for loss of supporter;

(e) Transitional allowances in case of death.

124. Compensation for loss of working capacity of less than 50 per cent but more than 15 per cent will normally be transferred into a lump sum without the consent of the injured person. When compensation for loss of working capacity is 50 per cent or more the part of the compensation corresponding to the 50 per cent may, subject to the request of the beneficiary, be transferred into a lump sum.

125. Periodical benefits are paid for a limited period, i.e. until the person concerned attains the age of 67 when they are replaced by a tax-free lump-sum payment of twice the annual periodical benefit.

126. Furthermore, children under 18 years of age will, as a general rule, qualify for compensation for loss of supporter. Benefits payable to children whom the injured person was liable to maintain will cease when the child attains the age of 18, or 21 if the child is receiving training or education.

127. Periodical benefits are liable to taxation. Lump-sum payments are not taxed as income.

128. Financing. All people with permanent residence in Denmark are guaranteed decent living conditions and all have the right to services, security and benefits, regardless of degree of affiliation to the labour market. Thirty-eight per cent of the adult population receive transfer payments, with parents having an obligation to maintain their children up to the age of 18. However, each year there are many more, up to about 60 per cent, who receive transfer payments in one form or another, for instance in case of unemployment.

129. Almost all social security payments and services are financed through taxes and duties. Half of GNP goes to the social sector (including unemployment benefits).

130. The transfer payments have taken a sharp upward turn, a development partly explained by rising unemployment. Semi-retirement pension, old-age and anticipatory pensions, and unemployment benefits account for three quarters of all transfers. The largest part of social security transfers represents compensation for lost income. The largest item is the cost of old-age pensions, followed by sickness and unemployment benefits. Among the transfers that are not publicly financed are contributions paid by private employers for occupational injuries insurance and for defraying costs of sickness benefits of the first two weeks. Sickness and maternity benefits are also partly funded through employer contributions. Amounts are determined by collective bargaining agreements.

Paragraph 4 of the guidelines (national budget)

131. Expenditure for social security benefits as a percentage of GDP (based on the prices for each year) are:

1983: 29.3 per cent (total: DKr 150,349,000,000)
1993: 32.1 per cent (total: DKr 279,787,000,000)

One of the reasons for this trend is that expenditure in connection with increasing unemployment has been on the rise, with considerable increases primarily in spending on unemployment benefits and job creation schemes. Also, most social security benefits are adjusted upwards to follow prices and salaries/wages. The increase in the number of elderly people in Denmark is also a source of rising expenditure.

Paragraph 5 of the guidelines (private arrangements)

132. Typical of labour market pension schemes is that they are obligatory for the individual worker and that they are connected to jobs. Such schemes are based on legislation or on agreements between employers and employees. These agreements may be part of collective agreements and thus pertain to certain trades or professions on the labour market. They may also be company-based. Foreign employees who are subject to a collective agreement are in principle required to participate in labour market pension schemes based on collective agreements.

133. During the past several years, labour market pensions have gradually grown more widespread, especially between 1989 and 1993, when the number of people involved in labour market pension schemes increased markedly. During this period alone, new labour market pension schemes for about 650,000 people were created under collective agreements. The number of people included in labour market pension schemes cannot be tallied with any certainty, since there are no adequate statistics covering this area, but it is estimated that just under 1.7 million employed and unemployed Danes are covered by a labour market pension scheme. In addition, there is a special pension scheme for certain civil servants.

134. As regards pensioners, 29 per cent of all single pensioners and more than 43 per cent of retired couples receive pensions under the special civil servant pension scheme or another labour market pension scheme.

Paragraph 6 of the guidelines (vulnerable groups)

135. All people with permanent residence in Denmark are on an equal footing guaranteed social security and benefits regardless of degree of affiliation to the labour market. Women have the same right to social security as men.

136. Measures for the disabled are based on the principle of solidarity. The goal is to enable each person to live a life as close to normal as possible. The idea is to make sure that every disabled person has the greatest possible control over his/her own life. Pension legislation guarantees the disabled an adequate standard of living. Essential services and housing, whether in private flats or institutions, are provided for and financed by local and county authorities.

137. Over the years, the sector responsible for disabled persons has undergone a process of change. The disabled persons who cannot stay in their own homes have moved from large institutions to small institutions, shared housing or private dwellings. Persons suffering from a disability are eligible for any necessary assistance connected with adaptation of the dwelling and for payments to cover extra expenses due to the disability. The same applies to parents maintaining a disabled child at home.

138. Mobile disabled persons can avail themselves of transportation to and from schools, as well as cultural and sports events. The disabled can also get financial assistance towards the purchase and adaptation of a car.

139. Persons with severe physical disabilities are entitled to free physiotherapy and treatment in any one of several special hospitals, for instance, a sclerosis hospital or centre for the brain-damaged.

140. Children with disabilities are obliged to attend school, like other children. Only pupils whose needs cannot be met through normal instruction receive special tuition.

141. Local authorities make provision for technical aids, regardless of income, to make it easier to cope at home.

142. Rehabilitation, retraining and employment of the disabled take place in ordinary training centres and workplaces. Job opportunities for the disabled are enhanced by supplementary pay schemes and financial assistance towards the adaptation of the workplace.

143. The socially excluded. Although Denmark can boast a fine-meshed social and health service safety net, there are people to whom society has been unable to offer adequate help. Included in this small group are homeless people, drug and substance abusers, street children, a few mentally ill patients, prostitutes and some immigrants and refugees. Increasing numbers are suffering from "multiple problems", for instance, a combination of drug abuse and mental illness. The homeless category has changed in recent years: there are more young people, women, drug and substance abusers, people on anticipatory pension, mentally ill patients and refugees. There are provisions for the socially excluded in the form of residential homes, institutions and shared housing. Improvement in their condition is a top political priority.

144. The mentally ill. Services for the mentally ill are being reorganized. Over the past 10 years, the number of beds in psychiatric hospitals has been reduced by 60 per cent. Instead, a growing number of people are being treated on an outpatient basis in district psychiatric units. At the same time, social services are being expanded in the form of more housing, care, and more options in the education, leisure and occupation fields. The aim of this reorganization is to enable the mentally ill to live as normally as possible.

145. There are a variety of supportive services for the mentally ill. A support network has been set up to offer assistance: in the transition from hospital to everyday life, in daily routine, with housing, with education and occupation opportunities, in re-establishing personal contacts, in using leisure time for sports and other cultural events, and in benefiting from services provided by the social system.

146. Immigrants and refugees. As a general rule, Danish law does not distinguish between Danes and foreigners. Thus, recognized refugees, stateless people and immigrants enjoy the same privileges as Danish citizens with regard to social services. In principle, however, Danish social pensions are granted only to Danish citizens. Exceptions have been made for refugees, for immigrants who have resided in Denmark for a minimum of 10 years, and for people who are covered by international bilateral and multilateral agreements to which Denmark is a signatory.

147. Denmark's integration policy is based on the principle of each person's participation in Danish social life in terms of respect for that person's own cultural background. It is obviously extremely difficult to find the right balance between having regard for increased participation in Danish society and having regard for a person's native culture. Danish authorities try to find and uphold this balance by offering all immigrants and refugees lessons in Danish, as well as lessons in their native languages.

148. The most comprehensive integration effort is directed towards refugees. Recognized refugees and, in certain circumstances, their close relatives are offered an integration programme organized on behalf of the State by the Danish Relief Council, a private humanitarian agency. The Danish Relief Council provides housing for refugees in all parts of Denmark, in addition to social counselling and assistance. The organization advises on health care, conducts cultural conferences and seeks to promote education and labour market participation for refugees, as well as encouraging intercultural understanding.

149. To supplement regular integration programmes, Denmark also undertakes activities to promote integration in a broader sense. An initiative is the creation of a Committee on Ethnic Equality. The purpose of this committee is to ensure that the question of ethnic equality is included in as many social contexts as possible, and to spotlight and counteract any indications of discrimination.

150. Finally, a number of institutions are working to promote new job opportunities for refugee and immigrant groups, who have been particularly hard-hit by unemployment.

151. The degree of coverage for old-age pensions, compared with the average wage, is almost 60 per cent. For pensioned wage earners the pension is supplemented by a publicly regulated Labour Market Supplementary Pension Scheme (LMSPS) to which all wage earners between the ages of 16 and 66 must contribute. The self-employed are normally not covered. Two thirds of the scheme is financed by the employer and one third by the employee. The amount of the contribution depends on the number of weekly working hours. The pension is calculated on the basis of paid contributions. In addition, there are collectively negotiated market pension schemes. Sixty-three per cent of single pensioners and 78 per cent of retired couples currently receive LMSPS.

Paragraph 7 of the guidelines (review of changes)

152. Reference is made to paragraph 3.

Paragraph 8 of the guidelines (international assistance)

153. Denmark does not receive international assistance in fulfilling its obligations to its citizens according to the Danish legislation on social security.

## Article 10. The family, mothers and children

### Paragraph 1 of the guidelines (party to other Conventions)

154. Denmark is a party to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Reference is made to Denmark's most recent reports under the Conventions (CCPR/C/64/Add.11 of 7 August 1995, CRC/C/Add.8 of 12 October 1993 and CEDAW/C/DEN/3 of 21 May 1993). Special reference is made to the initial report to the Committee on the Rights of the Child, pp. 24-36.

### Paragraph 2 of the guidelines ("family")

155. There is no legal definition of "family". The term is used in Danish legislation alongside the concepts of "individual" and "parents".

156. The concept of "family" is generally perceived in Danish social legislation in the very broad sense: any relationship in which two generations are registered at the same address in the National Register and in which the people involved have a financial and emotional relationship with each other. This means that married couples, registered partnerships, couples living together, and single mothers or fathers with children are all considered families.

157. In statistics, two basic factors determine whether or not two or more people are considered a family: the people in a family must live at the same National Registry address, and a family consists of a maximum of two generations. Statistics operate with the following types of families: single men and women and four different types of couples, i.e. married couples, registered partnerships, cohabitants registered at two separate addresses and cohabitants registered as living at the same address. These types of families may be with or without children living at home. There is also one last type of family: a child under the age of 18 living away from home.

### Paragraph 3 of the guidelines (age of majority)

158. In Denmark, persons under the age of 18 are described as minors, as they do not have the right to vote and do not have full legal capacity to decide personal and property matters. Children and young persons under the age of 18 are subject to the custody of their parents unless they are married. The person holding custody has the obligation to take care of the minor and make decisions in matters relating to the minor on the basis of the child's best interest and needs. A minor may not contract marriage without the consent of parents and the authorities.

159. A child over the age of 15 may dispose of such funds as he/she has earned by independent economic activities. Children under the age of 15 who commit an offence cannot be made subject to punishment according to the Criminal Act. There is an absolute prohibition against sexual intercourse and other sexual relations with a child under the age of 15.

Pension schemes

160. Anticipatory social pension is payable to persons between the ages of 18 and 66. Entitlement to old-age pension at full rate is subject to a minimum period of permanent residence of 40 years in Denmark between the ages of 15 and 67.

161. Every citizen is liable to maintain himself/herself, his/her spouse, and children under the age of 18. A person over the age of 17 has the right to social assistance. Recipients of cash assistance under the age of 25 may be offered an introduction and guidance programme for up to six weeks. Recipients over the age of 25 are entitled to get an individual action plan.

Paragraph 4 (a) of the guidelines (entering into marriage)

162. The free consent of both potential spouses to marriage is a basic principle of Danish law. According to the Marriage Act, future spouses must together declare to the authority marrying them that they wish to marry each other. This declaration must be unconditional and no terms may be specified.

163. Before a marriage takes place, the authorities must ensure that the requirements for marriage have been met, one of them being that both parties consent to the marriage. Thus, the authorities may, if there is some doubt as to whether one of the parties is subject to undue pressure to marry or does not fully understand the situation, speak with each of the parties alone to ensure that they both wish to marry. It would also be possible to call in an interpreter if one or both parties do not speak Danish.

Paragraph 4 (b) of the guidelines (protection of the family)

164. The family is still the foundation upon which the preservation and progress of a society rests. Denmark does not have centralized schemes which directly encourage marriage, etc. If, however, a couple marries or enters into another kind of relationship with each other, and if there are children, then certain possibilities are open to children and their parents, e.g.:

(a) Maternity leave, paternity leave and parental leave ensure that the mother and to some extent also the father of an infant are able to spend time with their child;

(b) Child-minding leave (and sabbatical leave) allows parents to take leave with wage/salary compensation in order to be able to spend more time with their child(ren).

165. In addition, schemes which provide marriage counselling services exist, and in the field of social services many local authorities have set up family houses, family workshops, etc. for families in crisis where counselling, guidance, etc. can be obtained.

166. The following facilities are available to parents who are in the labour market:

(a) Day-care facilities for all children. Day care is a child-minding arrangement but also a part of the general preventive facilities for children and adults offered by the local authorities. The purpose of day care is to help children develop in a social, democratic and creative way;

(b) After-school centres and clubs for children from the age of about 10 to the age of 16 (18).

167. General family allowance. The allowance for families with children is paid to all children below 18 years of age. This allowance is independent of income and the amount paid out varies with the age of the child in question. The 1996 rates per child are:

| | |
|---|---|
| 0-2 years old | DKr 2,550 quarterly |
| 3-6 years old | DKr 2,275 quarterly |
| 7-17 years old | DKr 1,775 quarterly |

168. Parental leave. The mother has the right to 4 weeks of pregnancy leave before the expected date of birth and to 14 weeks of maternity leave after the birth of her child, the first 2 weeks of which are obligatory. The father has the right to up to two weeks of paternity leave. This leave must be taken within the first 14 weeks after the birth or the date the child moves into the parents' home. Either the mother or the father has the right to up to 10 weeks of parental leave after the 14 weeks of maternity leave (the parents are permitted to make their own decision as to how many weeks each will take).

169. In the case of adoption, there is a leave of up to 24 weeks after the child moves into the parents' home. The parents are permitted to make their own decision as to how they will divide the leave between them. They can take 2 weeks of leave at the same time within the first 14 weeks after the child moves in with them (paternity leave).

170. Wage earners absent from work owing to pregnancy or maternity or adoption leave may receive benefits from their municipality of residence from the first day of absence.

171. Maternity benefits. A pregnant woman has the right to benefits starting at the time when her doctor reckons the birth of the child is four weeks away. The mother is also entitled to go on leave and receive benefits (equal to sickness benefits) four weeks before the estimated date of birth of her child when:

(a) The nature of her pregnancy makes it necessary for her to stay home from work during her pregnancy;

(b) The nature of her job poses a risk to the unborn child;

(c) The mother has a job which does not allow her to work at any time during the pregnancy.

172. A pregnant woman who takes time off work for the purpose of a medical check-up has the right to receive benefits for the time she is absent. The employer pays this benefit.

173. Parents are entitled to maternity benefits for a total of 24 weeks divided between them after the birth of their child. During the first 14 weeks, normally only the mother may receive the benefit. Parents are permitted to make their own decision as to how they will divide up the last 10 weeks of the time they receive maternity benefit (parental leave). Only one parent may receive benefit at a time.

174. Child allowances. There are different kinds of child allowances payable to certain groups of children under the age of 18. Entitlement to all types of child allowances is based on the condition that the child has not contracted marriage or is maintained out of public funds. Furthermore, the child or one of its parents must be Danish nationals or, in case they are not, they must have been residents for the preceding year (in the case of special child allowance throughout the last three years). The allowances are:

(a) Ordinary child allowance is payable to single parents and to parents who are both in receipt of a pension under the Social Pensions Act. The allowance is DKr 1,130 quarterly per child as of 1 January 1996;

(b) Extra child allowance is payable as a supplement to the ordinary child allowance to single parents who have the child living with them. The allowance is DKr 863 quarterly irrespective of the number of children;

(c) Special child allowance is payable to children who have lost one or both parents or when the paternity has not been established. Furthermore, a child may qualify for the special allowance if one or both parents are in receipt of a pension under the Social Pensions Act and in some other cases. The special child allowance is DKr 2,169 quarterly per child as of 1 January 1996. An orphan, however, receives twice the amount;

(d) Multiple birth allowance is granted in the event of births of more than one child and until the children attain the age of seven. This allowance amounts to DKr 1,397 quarterly per child as of 1 January 1996;

(e) Adoption allowance is granted to adopters of a foreign child if the child is adopted through the recognized adoption organizations. The allowance is DKr 32,212 as of 1 January 1996 and is payable as a lump sum to cover some of the expenses incurred in connection with the adoption.

175. General conditions. The general family allowance, the special child allowance and the multiple birth allowance are payable automatically without application, but application must be made for ordinary and extra child allowances and adoption allowance. Normally, the mother of the child or the person having custody of the child receives the allowances. If it is deemed best for the child, payment may be made directly to the child itself.

176. The general family and child allowances are as a rule only payable in Denmark, but the conditions on Danish nationality, permanent residence and taxation may be deviated from in accordance with the provisions laid down in the EC Regulations on social security and bilateral social security agreements.

177. Parents' rights in the context of education. The most important way in which the interests of the family are promoted in the context of school attendance at primary level in Denmark is through the great amount of influence on the schooling of the children awarded to parents. The aims of the Act on the Folkeskole (1 to 9/10 years of school), are that the endeavours of the Folkeskole shall take place in cooperation with the parents. Parents are awarded rights regarding a number of concrete decisions relating to the child's schooling. Such rights shall rest with the person(s) who has (have) the legal custody of the child. Parents are also awarded influence on the running of their child's school through the school board of which the majority of the members shall be elected by and from among the parent group.

178. In compliance with the rules pertaining to election of parents' representatives to the school board, other persons than those having legal custody of the child can also be granted voting rights:

(a) A person who has the child in his/her care; a person who has married the holder of the legal custody, and who lives together with the holder of legal custody and the child;

(b) The father of a child who, without being married to the mother, lives with the holder of legal custody and the child.

These groups of persons can also be involved in the general parent-school cooperation (see above).

179. Finally, parents who have no legal custody are now entitled to be kept informed about the well-being of the child in the schools and institutions. The new provisions comply, in part, with wishes stated by groups of divorced fathers with no part in the legal custody.

180. Wishes of parents to enrol younger children in the school within the municipality attended by elder sisters and brothers shall be complied with if the school can accommodate them.

Paragraph 5 (maternity protection)

181. Reference is made to paragraph 4.

Paragraph 6 (a) of the guidelines (age limit for paid employment)

182. Under the Danish Working Environment Act, a minimum age of 15 generally applies for working children and young people; it is, however, also possible to set a higher minimum age for work whose nature or the circumstances in which it is performed may pose a risk to the safety, health or development of

young people. The Act contains provisions pertaining to dangerous work performed by young people, and these provisions contain a number of prohibitions against people below 18 years of age working at jobs which involve a definite risk.

183. A statutory order pertaining to young people performing dangerous work was revised as of 1 September 1995 to avoid situations in which young people were exposed to a risk of violence in jobs in which they are especially vulnerable. Thus it has now been decided that young people below 18 years of age may not work alone between 6 p.m. and 6 a.m. on weekdays or between 2 p.m. and 6 a.m. on Saturdays, Sundays and holidays in bakeries, kiosks, grill bars, video-rental shops, service stations and the like.

184. Children between the ages of 10 and 15 may to a certain extent have less demanding jobs, e.g. berry-picking, work in certain specialty shops, light cleaning, paging and newspaper delivery. The regulations regarding this type of work are undergoing revision in connection with Denmark's implementation of EU Council Directive 94/33/EC of 22 June 1994, which deals with the protection of young people at the workplace.

Paragraph 6 (b) and (c) of the guidelines (children engaged in paid employment, in their families' households, etc.)

185. A report published in 1993 by the Danish Commission on the Employment of Children and Young People revealed the following:

(a) About 50,000 children and young people have jobs in their spare time delivering newspapers or making door-to-door deliveries of advertising flyers;

(b) About 30,000 children and young people work in a shop, supermarket, kiosk or service station;

(c) About 30,000 children and young people have jobs cleaning for companies or private individuals/families;

(d) About 11,000 help out or serve customers in grill bars or restaurants;

(e) About 10,000 work in a garage or factory;

(f) About 10,000 work on farms or in market gardens.

186. Children aged 10 to 12. According to the 1993 report, 17,000 children aged 10 to 12 have steady jobs in their spare time, corresponding to about 10 per cent. Most (82 per cent of the boys and 94 per cent of the girls) work less than six hours a week. On average, this age group works just over three hours a week.

187. Children aged 13 to 14. According to the Commission's report, 50,000 children aged 13 to 14 have steady jobs in their spare time, which

corresponds to about 40 per cent. Most (62 per cent of the boys and 77 per cent of the girls) work less than 6 hours a week, but some (26 per cent of the boys and 22 per cent of the girls) work between 6 and 10 hours a week. On average, this age group works about five hours a week.

188. Young people aged 15-17. According to the Commission's report, 106,000 young people aged 15 to 17 have steady jobs in their spare time, which corresponds to about 50 per cent. About 42 per cent work less than 6 hours a week; 38 per cent work between 6 and 10 hours a week; about 15 per cent work between 11 and 15 hours a week; and about 6 per cent work more than 16 hours a week. On average, this age group works about 7½ hours a week.

189. Young people who are trainees or have an ordinary job were not included in these figures.

190. The Commission estimates that about 10 per cent of children aged 10 to 12 have steady jobs in their spare time, with an average work week of about three hours. This corresponds to about 17,700 young people working about 120 hours per year. Seasonal work must also be added to this figure: based on the agricultural sector's own study for the Commission, about 400 "foreign" young people work 25 hours each per year during the season. Among the young people "native" to the agriculture sector, 38 per cent of children aged 10 to 12 helped out on the farm which, with equal numbers of children per year, makes for a total of 4,500 young people.

## Article 11. The right to an adequate standard of living

### Paragraph 1 (a) of the guidelines (current standard of living)

191. The GNP per capita was DKr 179,286 in 1994.

192. The average annual real increase in GNP per capita (in per cent):

| 1989 | 1990 | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|
| 0.5 | 1.3 | 1.1 | 0.5 | 1.1 | 4.1 |

193. The average consumption per capita was DKr 95,587 in 1994.

194. The average annual real increase in private consumption per capita (in per cent):

| 1989 | 1990 | 1991 | 1992 | 1993 | 1994 |
|---|---|---|---|---|---|
| -0.4 | -0.1 | 0.9 | 0.8 | 2.0 | 7.2 |

195. Personal disposable income expanded substantially in 1995 (no figures are yet available) due to a large increase in employment. Yet the increase in private consumption is expected to be much lower, because of a fall in the average propensity to consume. The relatively low level of real house prices may also have had a curbing effect on consumption. It is expected that fiscal policy will be tightened in 1996/97. Combined with only small increases in

employment, this will result in much lower growth in personal disposable income in 1996/97. Growth in private consumption will, nevertheless, decrease only slightly, as the average propensity to consume is expected to increase in 1996/97. The forecasts for 1995-1997 are 2.6, 2.7 and 2.9 respectively.

196. The development in personal income over the last decade shows a substantial improvement in the situation for the lower deciles, especially the first decile. The Gini coefficient fell slightly over the period (thousands of DKr):

| | 1984 | 1988 | 1992 |
|---|---|---|---|
| 1 decile | 18.6 | 27.4 | 36.6 |
| 2 decile | 39.3 | 49.6 | 59.1 |
| 3 decile | 50.0 | 64.5 | 76.3 |
| 4 decile | 73.0 | 94.1 | 108.1 |
| 5 decile | 94.9 | 120.1 | 135.9 |
| 6 decile | 112.9 | 145.7 | 161.6 |
| 7 decile | 135.7 | 172.4 | 187.6 |
| 8 decile | 157.9 | 201.0 | 217.3 |
| 9 decile | 193.7 | 249.0 | 269.2 |
| Lower quartile | 41.5 | 53.8 | 65.1 |
| Upper quartile | 146.5 | 185.8 | 201.2 |
| Gini coefficient | 0.41 | 0.40 | 0.39 |

197. Average personal income rose relatively fast in the mid-1980s for the overall population and somewhat slower from 1988-1992. The 15 to 19-year-olds experienced a drop in average personal income during the period, which was also true for the 20 to 24-year-olds from 1988-1992. The development in personal income according to age (thousands of DKr):

| | 1984 | 1988 | 1992 |
|---|---|---|---|
| 15-19 | 37.9 | 30.5 | 28.7 |
| 20-24 | 98.7 | 113.1 | 110.2 |
| 25-29 | 124.1 | 152.4 | 160.1 |
| 30-34 | 137.3 | 174.0 | 185.3 |
| 35-39 | 146.7 | 185.9 | 198.5 |
| 40-44 | 147.1 | 195.0 | 208.5 |
| 45-49 | 140.0 | 189.5 | 211.5 |
| 50-54 | 126.0 | 171.8 | 197.7 |
| 55-59 | 113.3 | 152.1 | 175.2 |
| 60-64 | 93.3 | 123.4 | 144.1 |
| 65-69 | 70.4 | 92.7 | 110.5 |
| 70-74 | 55.8 | 73.5 | 93.3 |
| 74 plus | 48.8 | 60.6 | 76.2 |
| All | 105.4 | 134.9 | 149.9 |

198. Average personal income according to gender (thousands of DKr):

| | 1984 | 1988 | 1992 |
|---|---|---|---|
| Men | 134.0 | 166.7 | 180.9 |
| Women | 78.3 | 104.6 | 120.3 |
| All | 105.4 | 134.9 | 149.9 |

199. Average personal income by employment category (thousands of DKr):

| Category | 1984 | 1988 | 1992 |
|---|---|---|---|
| Directors and superior officials | 252.4 | 316.2 | 322.6 |
| High-ranking officials | 169.1 | 213.2 | 224.3 |
| Other officials | 125.7 | 161.1 | 174.0 |
| Skilled workers | 140.0 | 177.7 | 190.5 |
| Unskilled workers | 115.4 | 146.4 | 162.8 |

200. Disposable household income and net assets by family type in 1992 (thousands of DKr):

| | Income | Net assets |
|---|---|---|
| Couples | 198.9 | 278.9 |
| without children | 182.7 | 407.4 |
| with children | 222.0 | 96.8 |
| Singles | 92.2 | 163.6 |
| without children | 89.1 | 176.8 |
| with children | 121.2 | 39.8 |
| All households | 136.7 | 203.7 |
| without children | 116.8 | 238.7 |
| with children | 203.4 | 86.3 |

201. A substantial part of the Danish population benefits from a variety of income compensation schemes. Slightly more women than men benefit. The proportion of the different age groups receiving income compensation has been more or less stable throughout the last decade. People benefiting from an income compensation scheme, by category of recipients:

| | 1988 | 1990 | 1993 |
|---|---|---|---|
| Total No. of recipients | 2 121 126 | 2 150 920 | 2 308 764 |
| Category of recipients (%) | | | |
| Women | 53.4 | 54.5 | 53.8 |
| Men | 46.6 | 45.5 | 46.2 |
| Age | | | |
| 18-24 | 11.6 | 10.9 | 10.3 |
| 25-39 | 22.4 | 22.8 | 24.3 |
| 40-59 | 19.8 | 20.2 | 21.7 |
| 60-66 | 11.2 | 11.0 | 10.6 |
| 67 plus | 35.0 | 35.1 | 33.1 |

202. People benefiting from income compensation schemes, by category of compensation schemes:

| | 1988 | 1990 | 1993 |
|---|---|---|---|
| Temporary compensation | | | |
| % of total | 48.3 | 47.9 | 50.0 |
| of which | | | |
| Unemployment | 22.6 | 22.7 | 25.4 |
| Sickness | 11.2 | 10.1 | 8.4 |
| Maternity | 4.0 | 4.1 | 4.2 |
| Cash | 9.3 | 9.6 | 11.0 |
| Rehabilitation | 1.2 | 1.4 | 1.0 |
| Permanent compensation (pensions) | | | |
| % of total | 51.7 | 51.7 | 50.0 |
| of which | | | |
| Retirement | 33.9 | 33.9 | 32.2 |
| Early retirement | 11.9 | 12.0 | 11.8 |
| Civil servants | 1.4 | 1.5 | 1.4 |
| Optional retirement | 4.5 | 4.3 | 4.6 |

Paragraph 1 (c) of the guidelines (poverty)

203. No official poverty line exists in Denmark. Surveys on the less fortunate part of the population have been conducted but results vary greatly due to the very different definitions and assumptions of each study. When asked whether they feel poor 2 per cent of the Danish population answer affirmatively.

Paragraph 1 (d) of the guidelines (physical quality of life index)

204. No official physical quality of life index exists in Denmark.

205. Mean life expectancy has been almost stable in the last decade, with a slight improvement. The figures in 1992/93 were:

| Age | Women | Men |
|---|---|---|
| 0 | 77.8 | 72.5 |
| 10 | 68.3 | 63.2 |
| 20 | 58.5 | 53.5 |
| 30 | 48.7 | 43.9 |
| 40 | 39.0 | 34.6 |
| 50 | 29.8 | 25.7 |
| 60 | 21.4 | 17.6 |
| 70 | 14.0 | 11.1 |
| 80 | 7.9 | 6.3 |
| 90 | 3.6 | 3.2 |

206. Infant mortality has fallen steadily throughout the last decade from 8.2 per 1,000 infants under one year in 1986 to 5.4 in 1992 (see art. 12, para. 5).

207. Literacy is close to 100 per cent in Denmark. Children with reading and spelling problems receive special education integrated in the normal school (see also art. 13, para. 3).

Paragraph 2 (a) of the guidelines (the right to adequate food)

208. Reference is made to the country paper prepared for the International Conference on Nutrition held in December 1992 in Rome.

209. Denmark is a highly industrialized country with a high standard of living and intensive agriculture that benefits from favourable climatic and geographic conditions. Denmark is therefore self-sufficient in all basic foods. The right to adequate food has been attained due to efficient agricultural practices and an array of nutrition-promoting activities. This explains why no systematic starvation/deprivation exists in Denmark.

Paragraph 2 (b) of the guidelines (the extent of malnutrition)

210. The high standard of living translates into the fact that there are virtually no groups that cannot buy enough food owing solely to economic reasons. This means that no one dies from starvation in Denmark today. Nevertheless, there are people who are hungry to a greater or lesser extent and do not enjoy a diet containing all essential nutrients. They belong to the group of very poor and socially excluded people. These people are mostly outside the labour market, have no family and no dwelling, and sleep on the street or at various shelters or reception centres. The number of people in this situation grew during the 1980s. The number of persons sleeping some

time during the year at shelters or reception centres was around 13,000 in 1992. In addition, a number of alcohol and substance abusers, and a number of psychiatric patients not in hospitals are living in miserable conditions as they are unable to take care of themselves. Their number is unknown.

211. There are no exact data on the nutritional status of these groups. Concerning access to food containing the necessary nutrients, several minor studies have been carried out covering possible risk groups. The results of these different studies have been:

(a) That some children under three years of age have a diet with insufficient fat and excessive fibre because their parents have not been aware that dietary recommendations for the general population do not apply to this age group. A few studies also indicate that 0 to 3-year-old children of immigrants have an elevated risk of iron deficiency anaemia because of an inadequate dietary intake of iron. An educational campaign has been established to inform parents of small children's needs;

(b) That some studies indicate that frail elderly people or elderly people with diseases are at risk of nutrient deficiencies because of reduced food intake, which makes their intake of several vitamins and minerals inadequate.

212. The data on the different possible risk groups are limited - as are data broken down into sexes - and a more comprehensive survey of the extent of the problems is therefore needed.

Paragraph 2 (c) of the guidelines (deteriorations)

213. Nothing to report.

Paragraph 2 (d) and (e) of the guidelines (measures taken and their effect)

214. It is not possible to say anything about changes that have taken place over the past five years with respect to the situation of different groups because of lack of data.

215. Concerning the problem of inadequate intake of various nutrients by small children and children of immigrants, several initiatives have been taken by the National Food Agency and the National Board of Health during 1992 and 1993. In early 1996 it is planned to develop information material for use by public health nurses, who are responsible for providing information to immigrant families regarding small children's food and health.

216. One of the factors that might influence the nutritional status of the Danish population in the future is the relatively high rate of unemployment which may result in a relatively high rate of socially excluded people. It will be of interest to investigate whether long periods of unemployment pose a threat to adequate nutrition.

217. In the future other factors may influence the food choice of parts of the population. One such factor is changes in the structure of retail trade, as the local suppliers of groceries disappear in some small residential areas

and in villages with less than 300 inhabitants. This trend may reduce the shopping options for consumers with lower incomes and less automobile mobility.

218. In 1985 a comprehensive survey of dietary habits was carried out. The survey revealed that the Danish population in general had an adequate supply of most nutrients. A new survey was carried out in 1995. The results have not yet been published.

219. A food monitoring system established in Denmark in 1983 allows the authorities to regularly monitor the content of both nutrients and contaminants in foods. These data can be related to data on what people eat in Denmark so that the population's intake of both desirable and undesirable substances can be monitored. This makes it possible to intervene if changes occur that pose a risk to people's health. The first five-year report was finished in September 1990, and in December 1995 the report for the second period, 1988 to 1992, was available. The reports have not given rise to intervention.

Paragraph 2 (f) of the guidelines (measures taken to improve nutrition)

220. The overall goals of nutrition and food policy are described as (a) to help to motivate the population to choose a diet that provides the nutrients required to promote health and prevent disease and (b) to ensure consumers wholesome food. Five more specific goals have been formulated in the programme, the two most important being the reduction of the intake of fat in the diet to a maximum of 30 per cent of total energy, and to increase the intake of dietary fibre to around 30 g a day for adults.

221. The results from the pilot study of the dietary survey and the preliminary results from the surveys indicate that the dietary habits of the Danish population have developed since 1985 in accordance with the intent of the nutrition policy. That is to say that the amount of energy in the diet derived from fat has diminished.

222. The general law that applies to food is the Food Act. There are also several special laws that regulate such areas as fish products, milk, meat and poultry. Each area with a special law has a special State inspection system.

223. Foodstuffs are inspected at all phases of production and distribution. The public control of food manufacturers in Denmark includes: authorization or approval of rooms, machinery and facilities; on-site inspection; sampling and analysis; information and advice; evaluation of the quality assurance system.

224. The nutrition policy targets given the highest priority in Denmark in respect of the existing knowledge of the relationship between nutrition and health are:

(a) Reducing the consumption of fat-rich food among the population of Denmark, as the proportion of food energy derived from fat should not exceed 35 per cent and should be reduced to about 30 per cent in the long term;

(b) Increasing the population's intake of fibre-rich food so that people consume an average of 30 g/day of dietary fibre;

(c) Ensuring that children and adolescents have a diet that provides a reasonable basis for growth and development and reduces the risk of contracting disease;

(d) Ensuring that elderly people have a diet that provides them the opportunity to enjoy life after retiring from gainful employment by, among other things, reducing their risk of loss of functioning and maintaining their quality of life and ability to lead an independent life;

(e) Developing knowledge on dietary habits and health as well as the factors that determine dietary habits.

225. Achieving the priority targets requires substantial changes in the population's dietary habits. Some of the important policy instruments to accomplish this are:

(a) Nutrition education and food labelling;

(b) Influencing the supply of, and demand for, food including:

(i) Food production;

(ii) Price policy;

(iii) Food distribution;

(c) Public and private mass catering;

(d) Research, surveys and experimental activity.

226. Two public agencies in Denmark are responsible for educating the public about nutrition, the National Consumer Agency (Ministry of Business and Industry) and the National Food Agency (Ministry of Health). Since 1991, the National Food Agency has conducted four different nationwide campaigns promoting better nutrition. The campaigns started out as predominantly mass-media-driven campaigns. The last two campaigns have been undertaken in collaboration with retailers of foods and professionals who work with nutrition locally. All campaigns have emphasized a few very powerful approaches to reduce the content of fat in the diet. Evaluations show that the population is very much aware of the campaigns (up to 85 per cent), and that the consumption of fat in the target area has gone down.

227. Most of the food bought in Denmark has been processed and pre-packaged. It is often difficult to determine the composition of the food, how long it will keep, etc. Pre-packaged food must therefore be labelled with certain information. Some foods also have nutrient labels.

228. In an attempt to ensure that nutritious foods are developed, the authorities attempt to cooperate with food producers in product development, sometimes including public subsidies for companies that experiment in

developing products that encourage people to choose healthy food. A four-year food development programme was initiated in Denmark. The food technology research and development programme for 1990 to 1994 had a total budget of DKr 500 million ($US 81 million in 1990 dollars) and one of its aims is to develop and ensure a supply of nutritious and healthy food. The budget for 1995 to 1997 is DKr 330 million.

229. Several initiatives have been developed to improve the food in hospitals and other institutions. The National Food Agency has published recommendations regarding food in institutions. The hope is that better guidelines for the staff responsible for the meals will help improve nutrition in institutions. Improving the meals on wheels offered to elderly people is another important area that is developing continually; studies have shown considerable variation in the nutritional quality of the food served.

230. The National Public Health Fund has allocated funding for implementing projects on diet and health and other lifestyle-changing programmes. From 1995, special funding for local nutrition education has been established at the National Food Agency; DKr 400,000 per year will be spent on this programme.

231. The Ministry of Health wants to encourage breastfeeding and has decided to hold a conference in 1996 and to allocate DKr 300,000 per year for a five-year period from 1996 to promote the Baby Friendly Hospital Initiative at the maternity wards in Danish hospitals.

Paragraph 2 (g) of the guidelines (agrarian system)

232. As far as market matters are concerned, the Danish agricultural policy functions within the framework of the Common Agricultural Policy of the European Union. The Treaty on the European Community, article 39, establishes five targets for this agricultural policy. They are:

(a) To increase the productivity of agriculture by promoting technical development, by rationalization of agricultural production, and through the best possible use of production factors, especially manpower;

(b) To secure a reasonable standard of living for the farming community especially through raising personal income for people employed in agriculture;

(c) To stabilize markets;

(d) To secure supplies;

(e) To secure reasonable consumer prices of agricultural goods.

Legislation and control have been set up within this framework as a result of the EU Common Agricultural Policy.

233. The main problem of the Common Agricultural Policy in recent years has been a clear tendency towards an increase in production volume. The reform of the Common Agricultural Policy which was initiated in 1992 has as its main objective a reduction of production.

Paragraph 2 (h) (implications for world food supply)

234. The 1992 EU reform helped pave the way for the 1994 GATT agreement which, among other things, aims at reducing subsidized exports in the agricultural sector. At the same time the agreement improves market access for non-subsidized exports.

Paragraph 3 of the guidelines (the right to adequate housing)

235. Reference is made to Denmark's report on articles 10 to 12 of the Covenant (E/1986/4/Add.16). Further reference is made to the Danish National Report for the Habitat II Conference, especially section I - Housing Review, Adequate Shelter for All.

Paragraph 3 (a) of the guidelines (the housing situation in Denmark)

236. In general the housing standard in Denmark is high. The number of housing units has increased over the reporting period. In 1980 there were 2 million housing units, in 1985 2.1 million units and 2.4 million units in 1995. The number of occupants per household has decreased from an average of 2.47 in 1980 to 2.35 in 1985 and then to 2.1 persons in 1995.

237. The housing units are large. An average size of 107 $m^2$ amounts to about 51 $m^2$ per person.

238. In general, the units are of high quality: 97 per cent of all homes have toilets and the percentage of households with a bath has increased from 84 per cent in 1980 to 87 per cent in 1985 and to 91 per cent in 1995.

239. Regarding heating installations, the percentage of households with central heating has increased from 91.3 per cent in 1980 to 92.7 per cent in 1985 and to 95 per cent in 1995. The trend in recent years has been for an increasing number of dwellings to be heated by district heating. In 1980 district heating covered 33 per cent of all homes. In 1994 the percentage grew to 51 per cent. The remaining 5 per cent of all dwellings and households are heated by stoves.

240. The supply of dwellings is relatively new: 47 per cent of all dwellings were built after 1960; only about 37 per cent were built before the Second World War.

241. The housing mass is well balanced with regard to types of ownership, size, equipment and price. Thus, almost all population and age groups have the possibility of finding a home that meets their needs. The housing market is subject to government regulations to ensure quality housing for the entire population.

242. In general, Danish dwellings have access to an adequate supply of water and electricity and are connected to the State postal service and the public waste disposal services.

243. More detailed statistical information about the housing situation in Denmark is furnished in appendix 2.

244. Housing indicators. The following figures were given as the Danish response concerning housing to the 10 key indicators presented in a worksheet for the Housing Indicator Programme in February 1995 (United Nations Centre for Human Settlements/World Bank):

Indicator H1:
House price to income ratio, 1992: 3.1
House price US$ 91,281
Household income US$ 29,157

Indicator H2:
House rent to income ratio, 1992: 18.6 per cent
Rent: US$ 5,076
Household income US$ 27,128

Indicator H3:
Floor area per person 1980 46 $m^2$, 1994 51 $m^2$

Indicator H4:
Permanent structures 100 per cent

Indicator H5:
Housing in compliance 100 per cent

Indicator H6:
Land development multiplier 200 per cent

Indicator H7:
Infrastructure expenditure US$ 645

Indicator H8:
Mortgage to credit ratio, 1993: 45 per cent

Indicator H9:
Housing production, 1994: 2.3 per cent

Indicator H10:
Housing investment, 1993: 3.4 per cent

Paragraph 3 (b) of the guidelines (vulnerable and disadvantaged groups)

245. There are no statistics available on homeless individuals or families in Denmark; however, the number of homeless individuals is estimated to be approximately 5,000 persons.

246. There is no statistical information available on the number of persons living in "illegal" settlements or housing in Denmark. However the number is estimated to be very low.

247. Tenants in non-profit as well as private rental housing are equally protected against eviction. In principle, both groups of tenants have inalienable rights as regards the right to maintain the tenancy. Thus, it is only in a very few and well-defined situations that the landlord can give the tenant notice.

248. The phrase "housing expenses above any government-set limit of affordability" could in Denmark be related to the possibility of obtaining individual housing subsidies. As part of the attempt to provide access to suitable dwellings for groups with specially limited ability to pay rent, housing subsidies have been paid since 1967 as individual assistance with payment of housing expenses.

249. The Act on Individual Housing Subsidies makes a general distinction between two main groups which can receive individual housing supplements:

(a) Persons, who receive social pensions, whose housing subsidies are termed rent allowance;

(b) Non-pensioners, whose subsidies are termed rent subsidy.

For both groups the size of the subsidies is calculated on the basis of the following criteria: household income, the size of the rent, the size of the flat. The total public expenditure for rent allowances and rent subsidies amounts to approximately DKr 7 billion annually. About half of all tenants and a small number of members of housing associations and owners receive housing supplements.

250. Public housing is not reserved for any specific population group. Everyone can be placed on a waiting list which the housing associations use when assigning tenants to flats. The waiting list system is supplemented by rules concerning the size of the home seeker's household. Besides the waiting lists the local authorities have a municipal allotment right for a certain percentage of the vacant flats in the public housing sector. This can be supplemented by an agreement with the housing association that a certain number of flats are rented according to special social criteria. These provisions are made because the local authorities as part of their social obligations are required to find housing for the families that cannot find a suitable home themselves. There is no statistical information available on the average waiting time.

251. The 1.2 million owner-occupied homes represent half of the entire Danish housing stock and provide dwellings for 61 per cent of the population. The other half of the housing stock consists mainly of rental and cooperative housing. The rental and cooperative housing stock consists primarily of multifamily buildings. Also, the row house and dense/low-rise forms of housing have increased in popularity in recent decades.

252. Within the rental and cooperative housing sector there is a differentiation between several main groups which reflects the different forms of ownership and the population groups that these housing categories are planned for:

| | |
|---|---|
| Private rental housing | 19 per cent |
| Public housing | 18 per cent |
| Cooperative housing | 5 per cent |
| Housing for the elderly | 2.5 per cent |
| Youth housing | 2.5 per cent |

Paragraph 3 (c) of the guidelines (laws affecting the realization of the right to housing)

253. There is no Danish law laying down the right to housing. The actual implementation of the right to housing is primarily covered by social assistance schemes (see art. 10). The Rent Act, the Housing Regulation Act and the Housing Act could also be said to affect the realization of the right to housing.

254. The rules set forth in the Rent Act are valid for all leases of houses and flats and are only limited when a lease is subject to certain rules contained in other legislation such as the regulations for public housing (the Housing Act) or the rules in the Housing Regulation Act.

255. The basis for the relationship between the letter (who is usually the owner) and the tenant is the rent agreement. Nevertheless, the Rent Act contains a number of provisions which cannot be deviated from to the tenant's disadvantage. The rent agreement must remain within the framework of the Rent Act. In principle, the Rent Act assumes that a rent agreement cannot be terminated by the owner, while the tenant has the freedom to give notice to terminate a rent agreement. However, the owner can terminate the rent agreement if special conditions arise, such as failure to fulfil the agreement.

256. The Rent Act includes a number of provisions which control the relationship between the parties in terms of, for example, maintenance, rent payment, changes in rent terms, rent increases as a result of improvements, tenant representation, and the tenant's obligation when moving. Disagreements between the owner and the tenant about conditions covered by the Rent Act can be brought before the housing tribunal. The ruling of the tribunal can be appealed to the High Court.

257. The Housing Regulation Act replaces or supplements the rules specified in the Rent Act. It is directed especially towards the large urban municipalities in which there are many rental housing units or where there have been periods of housing shortage. The Housing Regulation Act regulates two main areas: rent determination and housing use. The Act stipulates the method to be used to determine rent. Furthermore, the Act gives local authorities the jurisdiction to ensure the best possible usage of the existing housing stock with regard to local conditions.

258. The Act on Individual Housing Subsidies ensures that the entitled households, especially those with children or senior citizens, receive aid for payment of their share of housing expenses. The annual housing subsidy for single households normally cannot exceed DKr 26,496 (1995 index). For households without children housing subsidies may not exceed 15 per cent of housing expenses. The municipal council has the duty to provide housing

subsidies. The municipality covers the expenses connected with administration of the rules, but the national Government refunds a part of the housing subsidy according to specially defined rates.

259. The central tool for ensuring the quality of housing is the Danish Building Act. The principles are specified in detailed building regulations. The construction of the dwelling must meet minimum requirements in regard to insulation, light, heating, ventilation and fire prevention. In 1995 a new set of building regulations came into force. The main focus of these regulations is energy-saving measures and the promotion of a good indoor climate in buildings. Over the years building quality requirements have become increasingly stringent and extensive in step with general development in society and the accumulation of new knowledge. Since the end of the 1980s publicly subsidized housing has been governed by special quality assurance and liability rules. The goal is to prevent damage and other failure in buildings and to secure funds for repairing any damage which may occur.

260. According to article 73 of the Danish Constitution a person shall receive full compensation from the State if the welfare of the State requires that he or she must surrender property for public use (the common good). Expropriation is regulated by law.

261. There are no laws which detract from the fulfilment of the right to housing.

262. There is no legislation conferring legal title to those living in the "illegal" sector.

263. The increased awareness in recent years of resource consumption and ecology has made itself clearly felt in the housing sector and has now become a top priority of the housing policy.

264. Land use and land planning. Physical planning in Denmark is comprehensive planning. Planning does not simply set a framework for use of the individual area, but also integrates planning within a range of individual sectors. The planning contributes to securing a rational use of the community's resources. The Planning Act contains five elements:

(a) The objective of the Act is to unite the community interests in the use of an area and to contribute to the protection of the country's natural environment;

(b) The requirements as to the content of the various types of plans which are available to fulfil the objective of the Act;

(c) Regulations for how the various types of plans are prepared and repealed;

(d) A distinction between different types of area according to their use. A general distinction is made between urban zones, rural zones and summer cottage areas;

(e) A range of legal provisions concerning supervisions, appeals, sanctions, etc.

Paragraph 3 (d) of the guidelines (other measures taken to fulfil the right to housing)

265. The general goal of Danish building and housing policy is to secure good and sound dwellings for everybody. An important element in this goal is the creation of a housing market with a wide range of dwellings so that all population groups have access to a type of dwelling which meets their needs.

266. While the owner-occupied dwelling sector has been regulated largely by market forces public input has been aimed primarily at the one half of the housing sector which consists of rental dwellings.

267. The most important area of commitment in housing and building policy is publicly subsidized urban renewal, governed by the Act on Urban Renewal and Housing Improvements. The Act has three principal elements:

(a) Quality standards for planned housing and requirements for satisfactory open space for residents;

(b) A subsidy and financing system which includes public subsidies as well as a system for subsidized index-linked loans;

(c) Rules for planning and implementation of urban renewal projects by the municipalities.

268. In general, the urban renewal strategy has developed from solid and concentrated work in limited areas to more widespread work in which publicly subsidized urban renewal is used as a catalyst and locomotive and in which the affected owners and tenants are given a major say in the result.

269. On the basis of requirements in the individual municipalities for renovation of obsolete properties which are defined in accordance with objective criteria, the Ministry of Housing and Building allocates the total annual appropriation among the individual municipalities. Under the Act on Urban Renewal and Housing Improvement the individual municipality is responsible for initiating, planning and implementing urban renewal at the local level.

270. The framework for commitments, i.e. the urban renewal expenditures for which public subsidy is granted, has expanded rapidly over the years from DKr 920 million in 1986 to DKr 2.8 billion in 1995.

271. Since 1992, a trial scheme has existed as a supplement to subsidized urban renewal which allows the possibility of obtaining subsidies for the implementation of private urban renewal projects.

272. In the last five years subsidized housing has constituted approximately 60 per cent of all new housing built in Denmark. This is due especially to the fact that the demand for rental dwellings has been greater than the demand for owner-occupied dwellings. In 1994 the existing stringent quota was replaced by granting each municipality the right to decide the extent of public housing for itself. Each year Parliament fixes a so-called pivot point which states the total purchase sum for the whole country within which government subsidies can be granted. With regard to standards of dwellings the Minister for Housing and Building fixes recommended upper limits for the

purchase price per square metre of floor space. The recommended limit varies from region to region and is adjusted on a continuous basis according to trends in salaries and wages.

273. Municipal building activities are permitted to exceed the fixed pivot point. The individual municipality may also approve building expenditures which exceed the recommended limit per square metre. In such cases the municipality must pay a correspondingly larger share of the initial financing and the ongoing instalments and interest.

274. The decentralization has provided better possibilities than previously for meeting housing requirements in different parts of the country and in different population groups. The decentralization also results in more flexible utilization of the housing.

275. In the 1980s the building of subsidized cooperative dwellings was commenced. For part of the population this cross between owner-occupied and rental dwelling has been an attractive solution.

276. Demographic trends have resulted in a growing need for dwellings designed especially for the elderly. Housing policy has been adjusted accordingly in recent years to meet these needs.

277. Attention has similarly been directed towards procuring dwellings for the homeless, refugees and others. Under established practice the social administration of the municipalities finds dwellings for persons and households that need them. There is also a smaller number of shelters for the homeless.

278. Denmark's 275 municipalities play a central role in the local provision of housing and housing policy.

279. The 451,000 public residences in Denmark are owned by approximately 700 housing associations all of which are operated on a non-profit basis. Since the public sector provides support to the sector the housing associations are subject to municipal supervision and a number of regulations have been established for how the housing associations and their departments must be governed and for the tasks which they may assume. The housing association's board attends to the general management of the association and its departments, including renting of vacant residences. The association's board also makes decisions on construction of new buildings. A housing association is divided into departments which can vary in size from a small number of residences to up to a couple of thousand residences.

280. In urban renewal, the municipalities frequently hand over the task of preparing plans, assigning replacement residences, demolishing homes and supervising the necessary establishment and modernization works to an urban renewal society. It is recognized that carrying out an urban renewal project is a complicated process which includes both authorities and a majority of the owners and tenants who will be affected by the project.

281. Denmark does not receive international assistance for housing and human settlements.

Paragraph 3 (d) of the guidelines (changes negatively affecting the right to adequate housing)

282. In most of the period after the Second World War the number of dwellings increased far more quickly than the population. The problem of housing shortage which had characterized large Danish cities since the start of industrialization was then gradually solved. As a result, the mid-1980s began to see trends of saturation in some parts of the housing market. Whereas approximately 40,000 new dwellings were built annually in the 1970s the number fell to approximately 25,000 in the 1980s and has fallen to approximately 15,000 in the 1990s. In step with the decrease in new construction, increased efforts have been focused on improving existing residential buildings. However, this development and change in focusing has not affected the fulfilment of the right to adequate housing negatively.

283. Problems exist in certain areas of the public housing sector. In order to solve these problems, the Government has established several different instruments that can be employed in problematic housing schemes. These are as follows:

(a) The Housing Associations' National Housing Fund. These resources can be used to provide loans for the economic reconstruction of problematic housing schemes and to carry out building improvements;

(b) Loan rescheduling. Special arrangements have been made to allow problematic housing schemes to reschedule existing loans to new, longer-term loans with increased public subsidies;

(c) Other public subsidies. Over the years a variety of arrangements for public loans or subsidies for working deficits, renovation projects, etc. have been offered;

(d) Social efforts. In 1994 several publicly supported efforts were implemented to improve the situation of a number of housing projects with social problems. Total plans were made for the individual schemes and social projects were set in motion for special groups of tenants such as unemployed immigrants, immigrant mothers with language problems, young criminals, drug users, etc.

## Article 12. Highest attainable standard of health

284. Any person resident in Denmark, and in some cases people with temporary residence in Denmark, are entitled to free hospital treatment and free services under the Hospital Services Act, and the Maternity Care and Midwifery Act. The right to free hospital treatment includes treatment at general and psychiatric hospitals as well as highly specialized hospital treatment.

285. The authorities of the counties are responsible for the supply of hospital services to their citizens. For hospital services that require larger catchment populations than present in one county an intercounty market has been established. As of 1 January 1993 anyone residing in Denmark who needs hospital treatment may choose between all public hospitals and a number of private hospitals which cooperate with the public hospital services. This means that a patient who has been referred to hospital treatment by a general practitioner may choose which hospital to be admitted to without regard to

geographical considerations. The county of residence is under obligation to pay for the treatment. Admission to highly specialized wards, however, is granted only when this is considered necessary on medical grounds.

286. Patients are, to a large extent, entitled to free transport to and from hospitals. But if the patient chooses to be admitted to a hospital in another county, the patient concerned may in certain cases pay a proportion of the transport expenses.

287. In order to fulfil their obligations to make the best possible hospital treatment available to their citizens, the county authorities must prepare a plan for their hospital services. The plan must be considered by the County Council every fourth year. The plan and changes in it must be submitted to the Minister for Health and the National Board of Health.

288. The primary, curative health-care services comprise private general practitioners and practising specialists, practising dentists, physiotherapists, chiropractors, psychologists and podiatrists. The private services are supplied under the National Health Care Reimbursement Scheme administered by the counties. The municipalities employ home nurses.

| | Main health care services in Denmark (1986-1993) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 |
| Number of general hospitals | | | | | | | 88 | 84 |
| Number of psychiatric hospitals | | | | | | | 14 | 14 |
| Number of inhabitants per: | | | | | | | | |
| bed in general hospital | 182 | 185 | 191 | 196 | 202 | 210 | 215 | 217 |
| bed in psychiatric hospital | 687 | 1 104 | 1 173 | 1 286 | 1 418 | 1 493 | 1 970 | 2 090 |
| hospital-doctor a/ | | | | | | | 9 088 | 9 146 |
| practising specialist b/c/ | 6 278 | 6 212 | 6 150 | 6 129 | 6 114 | 5 977 | 5 859 | |
| general practitioner b/c/ | 1 548 | 1 540 | 1 531 | 1 495 | 1 461 | 1 434 | 1 410 | |
| practising dentist b/ | | | | | 1 914 | 1 876 | 1 907 | 1 902 |

Source: National Board on Health and the Association of County Councils.

Notes: a/ Calculated as the number of doctors employed on full-time basis.
b/ Calculated as the number of persons employed.
c/ The number of doctors is measured every other year. The figures for 1987, 1989 and 1991 are derived by interpolation.

Paragraph 1 of the guidelines (physical and mental health)

289. When asked 79 per cent of the Danish population experience having a "good" overall health condition while 6 per cent of the population reply that their overall health condition is "bad". The figures are derived from a nationwide survey conducted in 1994 as part of an ambitious project to generate more informative data on the population's health. In the same survey 20 per cent experienced emotional problems - during a four-week monitoring period - adversely affecting their day-to-day routines on the job or during leisure time. More detailed information on specific indicators can be obtained by consulting Denmark's latest triennial report to the WHO Regional Office (WHO/EURO) (1994).

Paragraph 2 of the guidelines (health policy)

290. In 1987, Denmark adopted the principles of a special research strategy to support the development of the WHO strategy of health for all in the European region. The Ministry of Education and the Ministry of Health have translated this publication - regarding HFA targets - into Danish, to disseminate knowledge of this research.

291. In 1989, the Government of Denmark presented a comprehensive programme to establish its priorities and coordinate the ongoing efforts regarding prevention and health promotion. The targets of the programme are prevention of accidents, cancer, cardiovascular diseases, musculoskeletal diseases and mental disorders.

Paragraph 3 of the guidelines (the level of spending on health)

292. In 1994, Denmark spent 6.6 per cent of GNP on health. In 1989 and 1984, respectively 6.5 per cent and 6.4 per cent of GNP was spent on health. Regarding the percentage spent on health at the regional level reference is made to table 1 in the supplement. It should be noted that the Danish figures do not lend themselves to ready comparison with corresponding foreign figures owing to differences in statistical methods. A qualified estimation of the Danish GNP percentage spent on health derived by the same methods as other Western European countries arrives at a figure between 1.0 per cent and 1.5 per cent higher.

Paragraph 4 of the guidelines (various indicators)

293. Regarding the indicators defined by WHO, general reference is made to the 1993/94 monitoring report (the Health for All programme) submitted by Denmark to WHO/EURO 1994.

294. Everyone has access to drinking water, either from public or private waterworks or from their own well(s). The supervisory authority is the local authority/municipality, which regularly tests the quality of the water.

295. From 1990-1994, pesticides were found to be present in about 10 per cent of the groundwater samples tested and levels of pesticides in about 3 per cent of these samples exceeded the maximum limit residue for groundwater.

296. The amount of water abstracted for use in industry and households has fallen by about 15 per cent from 1989 to 1994. Water abstracted for field

irrigation varies according to climatic conditions and accounts for 25 to 40 per cent of the total amount of water abstracted. The amount of water available for abstraction is about 1.8 billion cubic metres. Total water consumption in Denmark amounts to just under 1 billion cubic metres.

297. Previously, it had in most cases been possible to solve groundwater pollution problems through a reorganization of the water supply. It cannot be ruled out, however, that it may be necessary to remove nitrate and pesticides from the groundwater in certain parts of the country for a limited period of time. Efforts to prevent groundwater contamination, however, will still be given higher priority than groundwater treatment.

298. The infant mortality rate in Denmark has decreased from 8.2 per 1,000 live births in 1986 to 5.4 per 1,000 live births in 1993, (see para. 5).

299. Danish children are offered immunization under the voluntary programme covering diphtheria, pertussis, tetanus, measles and poliomyelitis. The effectiveness of the programme runs from 88 per cent of all children immunized against measles to a 100 per cent immunization against diphtheria and poliomyelitis.

| Child immunization/Per cent immunized | |
|---|---|
| | % |
| Diphtheria | 100 |
| Pertussis | 89 |
| Tetanus | 100 |
| Measles | 88 |
| Poliomyelitis | 100 |

Source: State Serum Institute.

300. Newborn Danish females and males enjoy high life expectancies of 77.76 years, and 72.49 years respectively.

| | Life expectancy (1992-1993) | | | | |
|---|---|---|---|---|---|
| | Age 0 | Age 1 | Age 15 | Age 45 | Age 65 |
| Males | 72.49 | 72.04 | 58.27 | 30.07 | 14.12 |
| Females | 77.76 | 77.19 | 63.39 | 34.38 | 17.59 |

Source: Statistic Denmark.

301. Access to trained medical personnel within one hour is in principle available to everyone in Denmark. The estimate is 99.9 per cent with the

residual 0.01 per cent being the proportion of the population living on islands with fewer than 100 inhabitants.

302. In principle, all pregnant women have access to trained personnel during pregnancy. In 1993, 98 per cent of the total number of women giving birth had medical examinations during pregnancy. In 1986 this proportion was 98.4 per cent.

303. In general, all infants in Denmark have access to trained personnel for care.

Paragraph 5 of the guidelines (variation in the health situation of various groups)

304. Reliable data regarding groups whose health situation is significantly worse than the majority of the population does not exist. References can be made to a nationwide dietary survey in 1985, which concluded that people's intake of most vitamins and minerals is adequate but that too much fat is eaten.

305. Some minor surveys indicated different risk groups regarding adequate intake of vitamins and minerals. Infants less than one year old and children under three years comprise two risk groups for certain deficiency diseases. Some people that do not eat much food (elderly people) and some women in the reproductive period consume less than the recommended intake of one or more nutrients.

306. Elderly people who are ill, whether living at home or in an institution, risk deficiencies that can only be corrected by nutrient supplements in some cases. Many elderly people who are socially isolated, lonely or depressed lose the will, the ability or the desire to eat. It is difficult to do anything at present about lonely elderly people who are not in contact with the treatment system, and elderly people who constitute risk groups.

307. A number of small-scale surveys and reports from visiting nurses and doctors indicate that certain groups of children of immigrants have a higher risk of developing iron deficiency anaemia. The dietary deficiencies are related to the cultural adaptation of immigrant families, including a different food culture.

308. In Denmark, the still-birth rate and the infant mortality rate have been reduced due to information campaigns cautioning parents not to smoke during pregnancy (mothers) and in the presence of newborn infants. A similar type of campaign cautions the mother not to consume alcoholic beverages while pregnant. Furthermore, Danish home visitors have brought advice into homes of Danish parents concerning baby sleeping positions so as to minimize cribdeath.

| | Infant mortality per 1,000 live births in Denmark (1986-1992) | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 1986 | 1987 | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 |
| Infant mortality | 8.2 | 8.3 | 7.6 | 8.0 | 7.4 | 7.4 | 6.5 | 5.4 |

Source: Statistic Denmark.

Note: Number of deaths under the age of 1 year.

309. The Danish health policy towards the prevention of diseases is a twofold strategy. On the one hand a countrywide immunization campaign is conducted amongst children, and on the other hand different campaigns aim at supplying sufficient information to people in order for them to take care of themselves.

310. Environmental aspects. The Danish Environmental Protection Agency administers a number of acts including the general Environmental Protection Act of 1991. The Act is a framework act and does not stipulate specific environmental standards. The Act is supplemented by guidelines and general provisions laid down by the Minister of the Environment and the Danish Environmental Protection Agency. The Environmental Protection Act is supplemented in a number of specific areas by other acts.

(a) The Watercourse Act ensures that due consideration is given to discharge and environmental matters in the administration of the watercourses;

(b) The Ministry of Energy and Environment has issued several statutory orders governing classification and registration; regulations for public watercourses and watercourse restoration;

(c) The Act on Deposits of Chemical Waste lays down the administrative and economic framework for a programme of action concerning remediation of old chemical waste deposits. Tasks and costs are shared between the State and the regional authorities. Pursuant to the Environmental Protection Act, the public authorities can in some cases pass the financial burden onto any private enterprises which may have been responsible for the chemical waste disposal;

(d) The Act on Chemical Substances implements various EC directives and stipulates that new chemical substances are to be registered with information as to their potential hazard.

311. To achieve a reduction in the use of pesticides compulsory training courses for farmers and other users of pesticides have been established. Likewise, projects aimed at raising the awareness of the toxicological and ecotoxicological risks of pesticides and pointing out ways to reduce pesticide use have been put into place. The Ministry of Energy and Environment has issued executive orders containing bans and regulations regarding a range of dangerous chemicals and substances. The following main chemicals are

restricted: arsenic and arsenic compounds, benzine, cadmium, formaldehyde, lead, mercury, nickel, organic tin, PCB, pentachlorophenol, PCT, ozone-depleting substances and a wide range of specific chemicals in cosmetics.

312. The Water Supply Act is supplemented by executive orders governing: water intake, water supplies, groundwater drilling, water quality, supervision of water supply facilities and expropriation for water supply facilities.

313. Parliamentary resolutions: The NPO Action Plan (1985) was directed especially against nitrogen discharges caused by use of animal manure. At the same time, a considerable number of studies were implemented in a nitrogen, phosphorous and organic matter (NPO) research programme in order to improve the understanding of the interrelationship between the use and handling of nutrients and fertilizers and the effects on the aquatic environment. The Action Plan for the Aquatic Environment (1987) calls for further regulation concerning storage capacity for farm manure (nine month capacity), fertilization plans and green fields and contains an obligation to reduce discharge from municipal and industrial treatment plants. The overall goal for the plan was a 50 per cent reduction in nitrogen discharge and an 80 per cent reduction in phosphorous discharge before 1993.

314. In 1981, the Danish Environmental Protection Agency issued a statutory order aimed at reducing the lead content of petrol. By way of tax incentives normal diesel fuel (sulphur 0.2 per cent) has been totally replaced by diesel with a low sulphur content (less than 0.05 per cent). A number of initiatives have been taken to reduce sulphur dioxide emissions and nitrogen oxygen emissions.

315. For further information reference is made to appendix 3.

Paragraph 6 of the guidelines (health care for the elderly)

316. Reference is made to the above-mentioned information and to article 9, paragraph 3.

Paragraph 7 of the guidelines (community participation in health care)

317. During the 1980s and at the beginning of the 1990s the Danish health-care system went through a development from hospitalization towards increased community-based treatment. The development regarding mental treatment is one example. The Government has implemented a strategy of decentralization of psychiatric treatment. The overall goal of this strategy has been to integrate people suffering from mental disorders in the local community.

318. As a measure to prevent and debate prevailing health problems the Minister for Health established an independent Council on Health Promotion Policy in 1991. The Council surveys and evaluates health promotion efforts by public authorities and proposes new promotion initiatives.

Paragraph 8 of the guidelines (the general Danish policy of information campaigns)

319. Reference is made to paragraph 5 and article 11, paragraph 2 (d), (e) and (f).

Paragraph 9 of the guidelines (international assistance)

320. The efforts within the European Union and the World Health Organization have expanded and have become increasingly significant.

321. In the realization of the right enshrined in article 12, Denmark has been much inspired by the efforts by other countries in developing their health-care systems, and in preventing disease and promoting health.

## Article 13. The right to education

322. Reference is made to Denmark's initial report submitted under article 44 of the Convention on the Rights of the Child (CRC/C/8/Add.8).

Paragraph 1 (a) of the guidelines (primary education for all)

323. It should be underlined that in Denmark it is education - and not schooling - that is compulsory. Compulsory education means an obligation to participate in the teaching provided in the Folkeskole (primary and secondary school) or in teaching which is comparable to what is generally required in the Folkeskole. Education is compulsory for children normally between 7 and 16 years of age, i.e. 9 years of compulsory education. In addition there is an optional 1-year pre-school class - which 96 per cent of children attend - and an optional tenth school year - which about 60 per cent attend. Compulsory education commences on 1 August of the calendar year of a child's seventh birthday and terminates on 31 July of the year in which he or she has received regular instruction for 9 years, not including pre-school class.

324. Persons who have custody of children of school age shall see to it that the children meet the compulsory education requirement and must not obstruct this. It is the responsibility of the head teacher to make sure that the children enrolled in the school attend the instruction given. An attendance register is kept on a daily basis, in which absences are recorded. If a child fails to attend the instruction, the parents shall - personally or in writing - inform the school of the cause of the child's absence. The head teacher decides on the sanctions which are to be initiated in the case of non-compliance with the obligation of compulsory education.

325. Education in the Folkeskole is free of charge and textbooks and teaching aids and materials are free as well. In private, independent schools, which are attended by 11 per cent of the pupils, about 85 per cent of the expenditure is publicly subsidized.

Paragraph 1 (b) of the guidelines (upper secondary education)

326. Upper secondary education (for the age group 16-19), includes vocational education and is generally available and accessible to all. Vocational

education and training courses are in principle open to all students who have fulfilled the compulsory education obligation according to the Act on the Folkeskole. Admission to general or vocational upper secondary education - which traditionally prepares students for higher education - is subject to a statement issued by their earlier school confirming that they are qualified for studies at this level. Education at secondary level is free of charge.

Diagram of the Danish education system

<table>
<tr><td>Age</td><td>Higher education (age 19+)</td><td colspan="2">Short-cycle courses</td><td>Medium-cycle courses</td><td>Long-cycle courses</td></tr>
<tr><td>19</td><td rowspan="3">Youth education (age 15/16-18/19)</td><td rowspan="3">Social and health education</td><td rowspan="3">Vocational education and training</td><td colspan="2" rowspan="3">Upper secondary level<br>General upper secondary ("Gymnasier" + HF)<br>Vocational upper secondary ("HHX" + "HTX")</td></tr>
<tr><td>18</td></tr>
<tr><td>17</td></tr>
<tr><td>16</td><td rowspan="8">Compulsory education (age 6/7-15/16)</td><td colspan="4" rowspan="8">"Folkeskolen"<br>Primary and lower secondary school<br>1st-9th/10th class</td></tr>
<tr><td>15</td></tr>
<tr><td>14</td></tr>
<tr><td>13</td></tr>
<tr><td>12</td></tr>
<tr><td>11</td></tr>
<tr><td>10</td></tr>
<tr><td>9</td></tr>
<tr><td>8</td><td rowspan="3">Pre-school (age 0-6)</td><td colspan="4">Pre-school class</td></tr>
<tr><td>7</td></tr>
<tr><td>6</td><td colspan="4" rowspan="2">Kindergarten Crèche</td></tr>
<tr><td>5</td></tr>
<tr><td>4</td></tr>
</table>

Paragraph 1 (c) of the guidelines (higher education)

327. The system of higher education is administered centrally by the Ministry of Education. It offers a great variety of choice. More than 130 institutions offer study programmes of varying lengths and levels. These institutions can be divided into universities, university centers and other institutions of higher education. The multiplicity of choice has been further strengthened by a significant recent development of the non-academic higher education system within the field of further commercial and technical education. There is a general access to higher education for students holding

an upper secondary school-leaving examination. Due to limited capacity there has, for a number of years, been regulation of admission (numerus clausus) to a certain number of study programmes. There is no tuition fee, but students must provide for education material themselves. To this purpose, among others, they have access to student loans and grants. In 1995 the Ministry of Education's total expenditure on higher education amounted to DKr 8.5 billion, excluding student grants. In 1994, 128,000 students received DKr 3.6 billion in grants and 58,900 took out study loans amounting to a total of approximately DKr 776 million.

Paragraph 1 (d) of the guidelines (fundamental education)

328. In special cases the school may, at the parents' request, permit partial or total completion of compulsory education by allowing a pupil to enter trainee service or work. However, such an arrangement may only be made after at least seven years of education. When a pupil leaves school in this way, the school is required to offer advice and guidance regarding the opportunities for further education. If the occasion arises, the pupil may return to school. Pupils who leave the Folkeskole after the seventh form are entitled to a Leaving Certificate.

Paragraph 2 of the guidelines (difficulties, goals and benchmarks)

329. Since 1993 Danish educational policy has been mainly concerned with the so-called UTA programme (Education and Training for All) which forms the basis of very comprehensive and extensive adjustments of the education system with a view to promoting the objectives of the programme: that all young people should be given a real possibility of carrying through a so-called youth education course, i.e. a course of education for the 16 to 19-year-olds in continuation of the compulsory education. The initiatives can be brought together in three main groups. Firstly, the drop-out rate of the courses shall be reduced by at least half of what it was in 1993. Secondly, there shall be attractive educational offers for those young people who are not very academically minded. Thirdly, new courses shall be developed which are at the same time in demand in society and attractive to young people. One of the important initiatives in the UTA programme deals with the transition from basic school to youth education. In November 1994 a committee submitted a report concerning a supply of boundary-transcending bridge-building courses for those young people who do not choose the normal main routes of access to the youth education programmes. The recommendations of the report were subsequently followed up by a bill, the "Bill on Youth Guidance and Bridge-building Courses for the Transition of Youth Education", which was adopted by Parliament on 14 June 1995.

Paragraph 3 of the guidelines (literacy and enrolment in fundamental education)

330. Literacy. Illiteracy has been registered only among the immigrant population. Of a total number of 33,019 immigrants (13,771 women and 12,185 men) who were educated at courses in Danish in 1994, 10 per cent were registered as illiterate. Drop-out rates have not been registered.

331. In light of the growing emphasis placed on lifelong learning and adult and supplementary training, it has, however, become evident that many Danish adults - particularly among those with a short training record - do not read well enough. As a result, an amendment in 1995 of the Act on Special Education for Adults opened possibilities for establishing reading courses for adults. The reading courses are on offer to all adults who feel a need to improve their ability to read. The aim of the courses is, inter alia, to enable the participants to take advantage of offers of supplementary and further training at basic level. A typical reading course comprises 70 teaching sessions for groups of 8 participants. The courses are free of charge.

332. A 1991 study on the reading abilities of the Danes shows that approximately 420,000 Danes do not read well enough to cope with everyday texts of a general nature. Of the 420,000, some 120,000 are thought to be dyslexic, and their needs are already catered for in the Act on Special Education for Adults. The target group for the reading courses thus counts approximately 300,000 people and 10,000 of those are expected to participate in the reading courses in the 1996 to 1998 period.

333. The counties have been made responsible for the reading courses, which were made available as of 1 January 1996. The Ministry of Education has launched a nationwide campaign in 1996 in favour of the reading courses, resulting in many enrolments. The courses will be evaluated in the years 1996 to 1998.

334. In preparation for these courses, the Ministry of Education has designed a specific training programme for reading teachers, in the context of an intensified in-service training effort in the field of reading abilities. This programme is being carried on in 1996; in addition, the counties have been granted resources in 1995 and 1996 for the training of reading teachers.

335. Enrolment in fundamental education. As stated in paragraph 1 (a) every child must take part in compulsory education. This rule also covers immigrants and refugees - provided their stay in Denmark exceeds three months. Enrolment in fundamental education is therefore 100 per cent throughout the country.

336. Children with reading and spelling problems receive special education integrated in the normal school. Children with severe physical or psychological disorders attend special schools. The local authorities are obliged to provide adults with reading courses.

337. Adult education and continuing training. The most important parts of the adult education are: the labour market training courses; the open education system; formal, general adult education; the leisure-time education; and the folk high school.

338. The number of persons who have commenced a course can be converted into full-time equivalents. There were a total of approximately 110,000 student full-time equivalents enrolled in adult education in 1993 including the leisure-time education and 85,000 excluding the leisure-time education. In 1993 approximately 175,000 persons started one or several labour market

training courses, which corresponds to about 9,000 student full-time equivalents. Approximately 95,000 students commenced one or several courses under the Act on Open Education which corresponds to 21,000 student full-time equivalents. Approximately 95,000 started on a formal, general adult education course, which corresponds to just under 25,000 student full-time equivalents, and 57,000 persons were enrolled in folk high schools, which corresponds to 7,000 full-time equivalents. Finally, the number of full-time equivalents in day folk high schools was 6,000 whereas full-time students equivalents in immigrant education numbered 5,000.

Drop-out rates and graduating rates

339. A total of 96 per cent of young people - men as well as women - who left school at the end of the school year 1992/93 were expected to continue in the education system. In total about 39 per cent of a year group will leave youth education with vocational qualifications and 38 per cent with general qualification for entry into higher education. In total 69 per cent of a youth year group will end up by having a vocationally qualifying education and 31 per cent will have non-vocationally qualifying education, (i.e. not corresponding to at least the same level as a completed vocational education and training of at least 3 years' duration, following compulsory schooling). In total, this means that only 4 per cent of the young people who left school at the end of the school year 1992/93 were not expected to continue in the education system. However, an additional 16 per cent are expected to drop out of youth education. The figures for 1996 are expected to be on the same level. Reference is made to appendix 4.

340. Among the young people who left school at the end of the school year 1982/83, 12 per cent were not expected to proceed in the education system.

Paragraph 4 of the guidelines (education expenditure, systems of schools, etc.)

341. The total educational expenditure in the 1995 budget is approximately DKr 25 billion (net expenditure), which corresponds to 8 per cent of the total national budget.

342. The Danish Folkeskole is a comprehensive school which includes the entire period of compulsory schooling, i.e. both primary and lower secondary education. Within the framework of the law, the Ministry of Education issues the principal regulations and orders for the Folkeskole. The supervision and administration of the municipal schools, mainly the Folkeskole, rests with the municipal council. Together with the individual school, the municipal council decides on the implementation of the general aims and curriculum guidelines laid down by the Ministry of Education. The municipal council has the overall responsibility for the school system of the municipality.

343. Private schools catering for children of compulsory school age may offer the entire form range of the Folkeskole, i.e. the first to ninth/tenth year, thus both primary and lower secondary education. All that is demanded of private education is that it measures up to the teaching offered in the municipal school. The Ministry of Education confers on a private school the

right to use the municipal school's final examination and thereby exercises a kind of indirect quality control. But in principle it is not up to any government authority but to the parents of the children at the individual private school to check that its performance measures up to the standards of the municipal school (see para. 7).

344. In 1993/94 the number of schools offering compulsory education amounted to 2,101 gymnasia, and HF courses amounted to 153 schools in 1992/93. The number of vocational schools was 153, whereas the number of institutions of higher education was 169.

345. There is very little building of new schools for fundamental education as the size of the year groups has declined in recent years.

346. Owing to the small size of the country the geographical accessibility to schools causes no problems. It should, however, be underlined that Denmark is a country composed of a lot of small inhabited islands. But as the distance to the mainland is usually rather short, and as transport by boat to and from these islands is fairly good during normal working hours, it usually does not cause any great problems. Provisions are made in the Act on the Folkeskole for the existence of small schools, which makes it possible to avoid sending the smallest children to the mainland to go to school.

Paragraph 5 (a) of the guidelines (ratio of men to women)

347. In 1992/93 96 per cent of all young men continued in general upper secondary education or vocational education after basic school. The same was true for 97 per cent of all young women.

Paragraph 5 (b) of the guidelines (disadvantaged groups)

348. Reference is made to paragraph 3.

Paragraph 5 (c) of the guidelines (action to guarantee equal access)

349. There are no tuition fees at Danish educational institutions. Student support, which is available from the student's eighteenth birthday, is granted by the State in the form of State education grants and loans and it is the only source of support of any importance. The support is intended mainly to cover the cost of living and the purchase of books and other teaching materials. The support scheme is based on the principle of equality of opportunity. Everybody should have the opportunity to follow a course of study regardless of his/her social background.

Paragraph 5 (d) of the guidelines (language facilities)

350. Non-Danish-speaking pupils are offered specially organized Danish language instruction, when the need arises. Furthermore, non-Danish-speaking pupils are offered instruction in their mother tongue.

Paragraph 6 of the guidelines (condition of teaching staff)

351. Most teachers are employed on a group contract basis. Some, however, are employed on civil servant-like conditions, and some are employed as civil servants. The teachers' salaries depend on the collective agreements according to which they are employed. Generally the salaries are as follows:

Primary and lower secondary education:

| | |
|---|---|
| Lowest seniority (annual income) | DKr 198,427 |
| Highest seniority (annual income) | DKr 248,903 |

General Upper Secondary Education:

| | |
|---|---|
| Lowest seniority (annual income) | DKr 186,033 |
| Highest seniority (annual income) | DKr 290,379 |

Vocational Secondary Education:

| | |
|---|---|
| Lowest seniority (annual income) | DKr 190,000 (approx.) |
| Highest seniority (annual income) | DKr 260,000 (approx.) |

The highest seniority pay for teachers employed according to the university graduate agreement will amount to approximately DKr 300,000.

352. Teachers' salaries are generally quite comparable to those of other civil servants. Therefore, no special measures are taken to improve their living conditions.

Paragraph 7 of the guidelines (private schools)

353. Private education at primary, lower and upper secondary level is traditionally subsidized substantially by the Government (approximately 85 per cent). At the primary and lower secondary level this education caters for about 11 per cent of the pupils. At the general upper secondary level, it caters for 6 per cent of the pupils. There are no difficulties when it comes to establishing or getting access to such private education.

Paragraph 8 of the guidelines (changes since previous report)

354. The Government is not aware of changes negatively affecting the rights enshrined in article 13 - on the contrary (see para. 2).

Paragraph 9 of the guidelines (international assistance)

355. Denmark does not receive development aid.

## Article 14. Compulsory education

356. This provision does not apply to Denmark.

## Article 15. Culture and science

### Paragraph 1 (a) of the guidelines (funds)

357. In 1995 around 1.5 per cent of total public expenditure was spent on cultural creativity and activities, public as well as private. State support for creativity, acting and research in the cultural field has increased by approximately 30 per cent since 1985. State support for special and regional museums, creative artists, initiatives concerning use of new technology, further education, film production and research has increased considerably.

358. For an experimental period of three years beginning in 1996 some regions will get free disposal of cultural appropriations which have been managed by the State up until now.

### Paragraph 1 (b) of the guidelines (institutional infrastructure)

359. The provisions of the Constitution of the Kingdom of Denmark (Act No. 169 of 5 June 1953) regarding freedom of expression, prohibition of censorship and the right to form associations for every lawful purpose are the important basis for legislation in the cultural field. Therefore, the legislation aims at offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense.

360. Since the early 1960s, the basic philosophy has been that the State and other public authorities shall encourage and not direct or control cultural creativity and cultural life. Since then, the legislation and subsequent amendments have been based on this basic philosophy. Alterations have been made on the same basis in order to meet the changing society, especially with a view to meeting the challenges of new technology.

361. Important elements in this basic philosophy or strategy include framework acts, decentralization, autonomous boards and councils of professionals and experts, the principle of "arms length", and encouragement of new initiatives, public or private. The framework acts do not distinguish between initiatives or activities done by individuals, groups, institutions, regions, etc.

362. The cultural legislation is, as mentioned above, based on the principle of freedom of artistic creation and performance, including dissemination of such activities. Therefore, the legislation has no restrictions or limits imposed on this freedom. Restrictions or guidelines may, however, in specific cases follow from general legislation such as the Penal Code which, for example, contains measures against incitement to and the use of acts of violence and racism.

### Paragraph 1 (c) and (d) of the guidelines (promotion of cultural identity and enjoyment of the cultural heritage)

363. Being a small country with a less widely used language, Denmark is very keen on implementing efforts in order to secure and promote the cultural identities of its population (see the basic principles mentioned above).

364. Act on the Danish State Art Foundation: The aim is to promote creative arts in its broadest sense (visual and literary art, music, arts and crafts, artistic design, architecture, etc.). Support consists especially of working grants and bursaries to artists, purchase of works of art to be deposited in public or private institutions and support for decoration of buildings and property to which the public have access. The Act now also covers support for creative artists within theatre and film.

365. Music Act: The aim of the Act is to promote musical life in Denmark and Danish music abroad. Financial support is given to professional orchestras, choirs, concerts, concert halls, festivals, school concerts, music schools. In order to increase the accessibility of musical activities all over the country the Music Act now provides for State support to teachers' wages in music schools.

366. Theatre Act (support to theatres and individual performances): The aim is to promote the art and the culture of theatre in Denmark. The Act embraces the Royal Theatre (drama, ballet, opera and symphony orchestra) and supports regional theatres, touring theatres and individual productions together with municipalities and counties. Support shall consider any genre of professional theatre and all geographical regions. Special support is given to subscription systems and to promotion of performances for children.

367. Film Act: The aim is to promote the art and the culture of film in Denmark by supporting film production (feature as well as documentary) and import of foreign films. A minimum of 25 per cent of the grants is reserved for film for children and the young.

368. Act on the Cultural Fund: The aim is to support new and especially cross-border initiatives between professionals and amateurs, institutions and the creative arts, popular and established cultural activities.

369. The national policy covers all Danish citizens or people living in Denmark. However, special efforts are currently made for the benefit of immigrants (see above). Also, people and minorities living in the border region between Denmark and Germany are given special attention, including financial public support for cultural activities such as libraries and music.

Paragraph 1 (e) of the guidelines (mass media)

370. Broadcasting Act: Denmark has two public-service institutions: Danmarks Radio (financed solely by licence fees) and TV2 (financed partly by licence fees and partly by advertising). Moreover, several local radio and TV stations have obtained licences under the Act. According to the Broadcasting Act the public service stations shall attach importance to quality, versatility and pluralism. Mass media plays in practice an important role in promoting participation in cultural life.

Paragraph 1 (f) of the guidelines (cultural heritage)

371. The Ministry of Culture is responsible for museums, archives and the movable heritage.

372. Act on Public Archives: The State Archives consist of the National Archives, the Regional Archives and the Danish National Business Archives. Moreover, the Act deals with preservation, scrapping, handing over of and public accessibility to records.

373. Act on Museums: The aim of the Act is to safeguard the Danish cultural heritage and to promote the functioning of and the cooperation between museums. The assignments of the museums are to collect, register, safeguard, research and promote public accessibility. As a general rule, the Act applies to State museums and other museums, which receive financial support under to the Act. During recent years great efforts have been made by public authorities and the various museums to make the presentation of and the access to cultural heritage more tempting to the public. The number of visitors to museums has increased.

374. In order to encourage and facilitate public access to culture and cultural heritage, the State has decided to pay for or support the enlargement, rebuilding or establishment of new buildings such as the National Museum, the Royal Museum of Fine Arts, the State and University Library, the Royal Library, the National Workshops for Arts and Crafts, the Royal Theatre, and a new "Film House".

Paragraph 1 (g) of the guidelines (protecting the freedom of artistic creation)

375. Public Library Act: The aim of the public libraries is to promote the educational level, cultural activities and general information on social conditions in other respects. Every municipality is obliged to operate a government-subsidized public library. The public libraries lend books and other media free of charge to everyone, children and adults, registered in the Danish National Register. Moreover, the Act ensures a special library for the blind or weak-sighted people and a special library for immigrants.

376. Copyright Act: The Act fulfils as a minimum the requirements of universal conventions (Bern and Rome Conventions, including subsequent amendments) and EU regulations.

377. The "Public Lending" Act: The Act stipulates rules for payment of an annual tax to authors, translators, painters, composers, photographers and others whose published works are used by the libraries.

Paragraph 1 (h) of the guidelines (professional education)

378. Act on Higher Education within the Arts: The Act and various regulations cover the following fields: fine arts, architecture, music, ballet, theatre, film and libraries. A coordinated education policy at institutions dealing with professional education in the field of culture and art is ensured.

379. A new centre ("campus") for institutions dealing with professional education in the area of architecture, film, theatre and "rhythmic" music will be established in 1996.

Paragraph 2 of the guidelines (measures to realize the right of everyone to enjoy the benefits of scientific progress)

380. The provisions of the Danish Constitution on civil rights also serve to safeguard the right of everyone to enjoy the benefits of scientific progress and its applications, and the diffusion of science.

Paragraph 2 (a) of the guidelines (measures taken to ensure the application of scientific progress for the benefit of everyone)

381. In 1993 the Ministry of Research and Technology was formed with an overall responsibility for strengthening and coordinating Danish science and technology policy. In September 1994 the Ministry of Research and Technology was given the responsibility for information technology and telecommunication. One of the main objectives was to promote mobility and dissemination of research results by the use of information technology for the benefit of researchers and the general public.

382. Research and development is carried out by universities and other institutions of higher education, government research institutes and the Technological Service Network. This network includes the technological service institutes under the Danish Academy of Technical Sciences.

383. Most ministries have research and development budgets, and most of them have their own councils or committees for allocating funds and advising ministers with respect to specific research and technology policies.

384. The approximately 30 governmental research institutes and 15 archives, libraries and museums conduct research and work in widely different areas of knowledge. In December 1995 a bill concerning the majority of the government research institutions was passed in the Folketing (Parliament) and another bill covering the archives libraries and museums was passed in March 1996. The purpose of these acts is to safeguard the independence of the research performed at these institutions, and the acts contain several tools for this purpose. Apart from giving the institutions greater freedom and independence, the Government requires or implies a number of actions in these acts, e.g. the institutions must perform independent and good quality research, they must make results public, and they must take on independent evaluations of the institutions at intervals. The acts also imply that the institutions must work for greater mobility among all the research institutions of the country, and the Government is at present renegotiating the present structure of employment in order to improve the conditions for all publicly employed researchers.

Paragraph 2 (b) of the guidelines (measures taken to promote the diffusion of information on scientific progress)

385. All universities and other institutions of higher education are supplied with government-funded, well-equipped research libraries.

386. Since its foundation in 1970 the Danish Committee for Scientific and Technical Information and Documentation (DANDOK) has been working as a consultative and coordinating body under the Ministry of Research. The main

objective of this committee is to assess the situation, and to propose and contribute to the implementation of sensible and effective solutions to problems. In 1981, INFOSCAN was established as a permanent national consulting centre concerning on-line information services in the selection of and searching in databases. The centre also offers advice on equipment for telecommunication.

387. In order to make research and development knowledge available DANDOK has been responsible for reviews of the information sector in Denmark in 1987, 1988 and 1995. The intention is to give a coherent view of the structure of the specialized information field. Previously, the committee had published numbers of publications dealing with political as well as practical matters. In 1993 the Committee published its very well-received proposal for a Danish information policy, with special emphasis on the needs of the research and business community.

388. In late March 1994, the Danish Government appointed a committee on the "Information Society by the year 2000". The committee was commissioned to draft a proposal for a comprehensive project the purpose of which was to tie public institutions and private companies together by means of modern information technology and to create new possibilities for citizens. The draft proposal should line up the possibilities for Danes in a future information society, formulate an overall Danish policy for information technology and identify specific target areas for the next few years and, where necessary, identify the needs for legal reforms. In October 1994 the governmental committee submitted its report, "Info-Society 2000". The Government will make an annual statement to the Folketing on the action to be taken in the following year.

389. In 1996, a new high-speed research network will be established. The network will be part of the Internet and will connect Danish universities and governmental research institutions. The network will also be accessible on regular commercial conditions to private companies carrying out research and development.

390. Numerous scientific magazines receive public financial support. The Government is also funding several non-governmental organizations that disseminate information of all kinds, including information on scientific progress.

391. In 1985, the Government established a Technology Assessment Board with many tasks: informing the general public and the Danish Parliament on new technology, disseminating the results of new technologies and assessing new technology including its possible effects on society. This institution is found to have had a great impact on the attitude to new technology in Danish society.

Paragraph 2 (c) and (d) of the guidelines (restrictions to prevent abuse)

392. Denmark is currently implementing a European Community directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

393. A complex system of legislation has been established to protect the environment and the general public from the negative effects of scientific inventions and toxic products. This legislation includes strict rules for genetic engineering.

394. The Danish Parliament has maintained its decision not to introduce nuclear energy until a safe solution has been found regarding radioactive waste. Research in this field is therefore related solely to solving the safety problems associated with nuclear energy and waste.

395. To safeguard the physical and psychological well-being of the individual, research on humans can only take place under specific conditions described in the Act on the Scientific-Ethical Committees. The projects must undergo examination and approval by one of the regional scientific-ethical committees established for that purpose. In the case that consensus cannot be attained the question can be directed to the Central Scientific-Ethical Committee. This committee also has a guiding function and sets down non-legislative codes of standards.

Paragraph 3 of the guidelines (protection of author's moral and material interests)

396. In regard to patent rights and intellectual property rights Denmark has adopted legislation which is concordant with that of the rest of Europe, and Denmark has ratified the European Patent Convention.

397. In addition to the classic patent regulations the Government has adopted the set of rules concerning the "mini patent". In private employment a general clause provides for the employees' moral and material interests resulting from scientific work of which the employee is the author. This ensures that he or she will enjoy some benefit regardless of the individual employment contract. In the same act it is stated that publicly employed researchers have the full moral and material rights to their research results.

398. The difficulties they meet in enjoying these rights are of a financial nature, as legal procedures to secure the rights and benefits are complicated and costly. To modify these difficulties, steps have been taken with a view to helping the individual researcher who has good ideas but who needs capital and practical and financial assistance. The body that plays the greatest role is the Danish Technological Institute. An Inventors Office has been established at the Institute to assist private as well as publicly employed researchers. A scout arrangement has been set up to help find and make use of good inventions in the field of science at the universities and other institutions of higher education. The office has a budget to take care of the expenses for drawing up a patent application. The individual researcher is guaranteed his intellectual and material rights, and he or she is only asked to repay the costs in case the patent results in economic gain.

Paragraph 4 of the guidelines (conservation, development and diffusion of science)

399. In order to promote the development and diffusion of science the Government has established research libraries at all universities and institutions of higher learning.

400. In 1988 DANDOK established a specific data bank (the DANDOK base) for information of special interest to the scientific community. The DANDOK base presents an overall picture of ongoing and published Danish research. At the beginning of 1996 the base contained more than 101,000 research references. The database is based on information from universities, institutions of higher education, governmental research institutes, research councils and other public institutions carrying out or financing research. The aim of the database is to give interested parties access to information about Danish research, regardless of subject matter or where the research is taking place.

401. The database contains three types of information:

(a) Published research, references to periodical articles, books, chapters in books, reports, conferences, etc.;

(b) Research projects, descriptions of ongoing or completed research studies (projects);

(c) Institute profiles, general descriptions of research carried out at an institution or institutes, laboratories or departments.

402. Access to the DANDOK database can be obtained directly via a modem or through a network. The base is also accessible on the World Wide Web.

Paragraph 5 (a) and (b) of the guidelines (respect for the freedom indispensable for scientific research)

403. Governmental research institutes are becoming increasingly independent from their respective ministries owing to the new legislation passed in December 1995 and March 1996. In some cases administrative responsibility is transferred from the respective ministry to the Ministry of Research.

404. Basic research is performed mainly at universities and institutions of higher learning. According to the University Act which governs these institutions, they have the right to decide how their appropriations will be used.

405. Denmark still has six independent national research councils. The members are all appointed in their personal capacity by the Minister for Research and are themselves normally active researchers. Grants from the national research councils account for only 6 per cent of the total funding of public sector research, but the funding is often decisive for new activities and it is often supplemented by the participating institutes. According to the latest OECD evaluation of Danish science and technology research in 1994,

the national research councils have changed practice in recent years in that they concentrate their funding in larger framework appropriations and they allow the grantees considerable freedom in spending the funds.

406. The Danish National Research Foundation was established in 1991 to improve basic research and create centres of excellence at the international level. It aims to enhance the development of Danish research by providing the best scientists with favourable opportunities for development by increasing internationalization and by contributing to improved education of researchers. Foundation grants are given largely as substantial and flexible grants to be used at the discretion of the recipients.

Paragraph 5 (c) of the guidelines (measures taken to support learned societies, academies of science, professional associations, etc.)

407. The Government is granting financial support to learned societies such as the Royal Danish Academy of Sciences and Letters, the Learned Society and others.

408. No difficulties have been identified in the degree of realization of the freedom to undertake scientific research.

Paragraph 6 of the guidelines (international contacts and cooperation)

409. The Danish Government is strongly encouraging international contact and cooperation in the scientific field and scientists participate regularly in international scientific conferences, seminars, symposia, etc. Government appropriations for supporting participation in international research cooperation have increased by 31 per cent from 1988 to 1994.

410. Denmark is a member of a number of organizations for research cooperation and takes part in research cooperation in the European Union and among the Nordic countries.

411. The Research Academy under the Ministry of Education provides fellowships for postgraduate studies for students who wish to take a full PhD degree abroad. The Academy is a focal point for Danish participation in international initiatives concerning research education. One of the important programmes is the Stimulation Programme, which is aimed at strengthening the internationalization, mobility and quality of Danish doctoral programmes by awarding grants for studies abroad and by inviting guest professors and scholars to participate in Danish doctoral programmes. Other programmes have internationalization as a goal such as the Fellowship Programme and the Interface Programme.

412. No specific factors and difficulties have affected the development of international cooperation in these fields.

Paragraph 7 of the guidelines (changes since previous report)

413. The changes have not affected the rights enshrined in article 15 negatively. Public research budgets are not being cut at present.

## III. REPORTING FROM GREENLAND

### Article 1

414. Reference is made to article 1 of Denmark's reporting.

### Article 2

415. Being part of Denmark, Greenland participates in a wide range of forums of international cooperation, but according to the Danish act that establishes the Greenland Home Rule system (Greenland Home Rule Act of 29 November 1978*) Greenland is not entitled to pursue any independent foreign policy.

416. In this context it should be mentioned that, since 1984 and in line with two other home rule areas in the Nordic area, Greenland participates in Nordic cooperation. This participation is carried out on a basis of equality in that the Danish Parliament has given seats in its Nordic Council delegation to two members of the Greenland Home Rule Parliament, and in that the members of the Greenland Home Rule Parliament attend the meetings of the Nordic Council of Ministers, which is the formal forum for intergovernmental cooperation between the five Nordic countries. The representatives of Greenland have no voting rights but are allowed to speak and submit proposals.

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* Under the Greenland Home Rule system various types of legislation apply to Greenland:

(a) Danish Act (abbreviated as DA) adopted by the Danish Parliament (the Folketing), regulating areas which have not been transferred to the Greenland Home Rule government;

(b) Act adopted by the Greenland Home Rule Parliament (abbreviated as GA), regulating areas which have been taken over by the Greenland Home Rule government but in relation to which the economic implications are not covered by the Danish Government's block grants for the Greenland Home Rule government;

(c) Greenland Parliamentary Regulation (abbreviated as GPR) adopted by the Greenland Home Rule Parliament, regulating areas which have been taken over by the Greenland Home Rule government. The financing of these areas forms part of the Danish Government's block grants to the Greenland Home Rule government;

(d) Home Rule Order (abbreviated as HRO) issued by the Greenlandic administration;

(e) Prolongation Order (abbreviated as PO) used for the specific entering into force in Greenland of an existing DA. Some DAs apply to Greenland at the same time as they apply to Denmark;

(f) Danish Order (abbreviated as DO) is a Danish order which is also in force in Greenland.

417. No legislation implies any kind of discrimination within the borders of Greenland in terms of race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. However, it should be noted that GA No. 27 of 30 October 1992 on the regulation of the increase in the labour force in Greenland contains provisions ensuring that the local population has a right of priority in relation to jobs where the supply of Greenlandic labour is adequate. An employer must therefore contact the local labour market office to apply for permission to employ non-local manpower in such positions. Such permission will be granted if no Greenlandic manpower or manpower with special affiliation with Greenland can be provided via a job centre. The Act places Greenlandic and other manpower on an equal footing in cases when a non-Greenlandic person has lived in Greenland for at least 7 out of the past 10 years or has a special affiliation with Greenland, for example through family ties.

418. The Act should also be seen in the light of Greenland's special status in the Kingdom of Denmark, where Greenland is regarded as an area which differs from the rest of Denmark in terms of language, culture and, in certain respects, development. Like developing countries Greenland has special needs relating to the education and employment of the native population.

## Article 3

419. There are no rules and regulations in Greenland which prevent certain groups of people from receiving public benefits or enjoying collective rights on the basis of gender.

## Article 4

420. It should be noted that many of the rights established by the Convention are rights already laid down in the Danish Constitution, which also applies to Greenland.

## Article 5

421. Greenland has no comments in relation to article 5 of the Convention.

## Article 6

422. In Greenland employment is first and foremost ensured through targeted development of commerce and industry. In recent years the focus has been on the development of the fisheries industry, tourism and, in the long term, the extraction of raw materials. In addition, the public authorities finance initiatives aiming at creating jobs for the unemployed. These initiatives are organized locally in the individual municipalities and are adapted to local conditions and opportunities.

423. Occupational counselling is also carried out by the municipalities, partly in the form of collective training and occupational counselling of young people in schools, and partly in the form of individual counselling carried out by municipal labour market offices. In addition, counselling is

given in relation to labour market training. The legal basis for this is GPR No. 11 of 16 December 1988 on job provision and HRO No. 42 of 28 September 1994 concerning grants for municipal job-creation programmes.

424. Section 14 of GPR No. 16 of 28 October 1993 stipulates that the Home Rule government must ensure that municipalities and institutions of education are provided with all necessary material for occupational counselling.

425. It appears from section 1 of HRO No. 5 of 3 September 1982 concerning occupational and educational counselling that the purpose of such counselling is to assist individuals in choosing and preparing for education or an occupation and to cater for society's need for manpower. In addition it appears that occupational and educational counselling is available to all citizens in Greenland, that the counselling is free of charge, and that it is provided by municipal labour market offices, municipal or regional vocational guidance officers, institutions of primary and lower secondary education and institutions of vocational training.

426. For use in relation to the counselling activities the Directorate of Culture, Education and Ecclesiastical Affairs each year publishes Sunngorlangatoq (The Key to Education and Training) and Periarfissat (Education and Training in Denmark). These handbooks describe all types of education and training for which support is available in Greenland and Denmark respectively.

## Article 7

427. In Greenland fair wages, equal for the same type of work, are ensured through the collective agreements entered into by the public authorities and the labour organizations. However, it should be mentioned that, due to certain historical factors, labour organizations in Denmark have been able to maintain certain wage-related advantages and other advantages defined by collective agreements for those of their members who are not native Greenlanders and whose status is thus that of invited labour. These inequalities have gradually been eliminated in recent collective agreements, so that new employment is primarily carried out on equal terms for work of equal value.

428. Most workplaces in the country are in the public sector or in publicly owned enterprises. The public agreements made on these workplaces have a spin-off effect on the rest of the labour market.

429. Safe and healthy working conditions, rest periods, leisure time and a reasonable limitation of working hours are ensured through provisions in DA No. 295 of 4 June 1986 concerning health and safety at workplaces and related, supplementary provisions. Likewise, Greenlandic legislation provides for holidays with pay or holiday allowances. Allowances for work on non-Sunday holidays are determined in collective agreements.

## Article 8

430. There is nothing in the law which prevents membership of a labour organization, the establishment of a labour organization or joint efforts by

labour organizations. Likewise, there is nothing in the law which prevents collective strikes. However, such strikes are not allowed in the case of public servants. The police and armed forces follow Danish legislation.

431. Collective agreements applying to all of Greenland have been made with about 35 organizations, most of which are based in Greenland. The two largest organizations are Silinermik Inuutissarsiuteqartut Kattuffiat (SIK - The Greenland Labour Organization) and the Central Organization of Public Servants and Contract Employees in Greenland (NAK).

## Article 9

432. The following social security schemes apply in Greenland.

433. Sick benefits are regulated by GPR of 1 November 1982 concerning tariff-based public benefits. However, a large number of employees receive wages or salaries during periods of sickness, in accordance with collective agreements. The legal position of people who do not meet the requirements concerning affiliation to the labour market as laid down in the GPR on tariff-based assistance, or who receive pay during periods of sickness, are covered by GPR No. 10 of 1 November 1982 concerning public assistance (benefits based on individual assessment).

434. If absence from work is due to an industrial injury or a recognized work-induced disease, daily cash benefits will be paid in pursuance of DA No. 145 of 16 March 1988 concerning industrial injury insurance. This scheme is based on the employer taking out insurance.

435. GPR No. 7 of 22 October 1990 concerning leave and benefits in relation to pregnancy, childbirth and adoption. Some wage-earners are entitled to full pay during pregnancy and maternity leave as a result of collective agreements. In order to receive payments, recipients must be active on the labour market.

436. All persons of more than 60 years of age with a permanent address in Greenland are entitled to a State pension in pursuance of GPR No. 8 of 22 October 1990 concerning pensions and institutions for elderly people. In addition, the GPR provides that elderly people may be entitled to accommodation at old-age homes, nursing homes, etc. following a concrete assessment of their needs. Home help may also be provided.

437. Rules governing benefits to people with physical or mental disabilities are laid down in GPR No. 7 of 3 November 1994 concerning assistance to people with severe disabilities. The GPR provides for the provision of auxiliary equipment, support for the employment of care assistants, support for relief facilities, stays at residential care facilities, refurbishment of dwellings, holiday travel, etc. In addition, the pension regulation contains provisions concerning disability pension to people whose disability makes them unfit for work.

438. Provisions concerning allowances to surviving relatives in relation to industrial injuries are contained in the PO concerning DA No. 145 of 16 March 1988 on industrial injuries.

439. Unemployment benefits are covered by GPR No. 11 of 1 November 1982 concerning tariff-based public benefits. This regulation determines the benefits granted to members of a number of trade unions. Persons who are not covered by this regulation may receive benefits under the regulation concerning public assistance.

440. Income-related child benefits are granted under GPR No. 4 of 11 November 1986 concerning child benefits. See also the comments in relation to article 11 concerning housing. Pensioners are entitled to supplementary child benefits under the pension regulation. GPR No. 9 of 30 October 1992 concerning assistance to children and young people contains provisions concerning assistance to minors in cases where special support is required.

441. All the social security benefits and allowances mentioned above - with the exception of industrial injury insurance - are fully financed by public authorities. There is nothing in the law which prevents the establishment of collective schemes. The Greenland Home Rule government has commissioned the Social Reform Commission to investigate the possibility of establishing sickness and unemployment insurance funds which are partly based on contributions. In addition certain organizations are contemplating the establishment of a pension fund.

## Article 10

442. The legal position of families is regulated by Danish law to a wide extent. PO No. 307 of 14 May 1993 concerning the entering into force in Greenland of the Act on the contract and dissolution of marriage applies. Section 1 of this order contains the following provision: "A person under the age of 18 must not contract marriage without the permission of the National Ombudsman." Section 2 (1) states: "No person under 18 years of age who has not previously been married must contract marriage without the consent of his or her parents." See also article 9 concerning maternity leave.

443. It is noted that child labour is restricted by DA No. 295 of 4 June 1986 on health and safety at the workplace in Greenland. According to this act children under the age of 15 must generally not carry out work in the labour market, with the exception of light work for two hours a day. The Danish Minister for Employment lays down particular rules concerning the execution of work the nature of which may be detrimental to the safety, health or development of young people.

## Article 11

444. The growth rate in Greenland fell dramatically in the period from 1987 up to and including 1990, calculated as GDP per capita at fixed prices. In 1990 the decrease was 10 per cent. The GDP also decreased in 1991, 1992 and 1993, but at a reduced rate. In 1991 the decrease was 3 per cent, in 1992 it was 6 per cent, and in 1993 it was 1 per cent.

445. The negative economic development in Greenland should mainly be seen in the light of the development of fisheries, where the decrease in cod sales and

the unfavourable market conditions for shrimp fisheries have been of crucial importance. The price of shrimps fell by 36 per cent in the period from 1989 to 1994.

446. The most recent GDP development is mainly a result of positive employment trends since 1993, combined with a low rate of inflation. These trends mean that no further decrease in GDP is expected for 1994. In addition, export revenue from shrimp fisheries has been influenced by special circumstances leading to favourable shrimp prices in world markets. However, this trend has now turned.

447. The development in the disposable gross national product per capita naturally shows a similar decrease. However, this decrease is not of similar significance, since block grants from Denmark are included.

448. The unemployment rate in Greenland rose from 5.6 per cent in 1990 to 8 per cent in 1992. Since then the rate has fallen, and in 1994 the average rate was 6.6 per cent. It should be added that about 20 per cent of the population living in settlements are not included in the statistics.

449. In 1994 and in previous years the inflation rate was about 2 per cent.

450. Most housing facilities constructed in Greenland are partly or fully financed by public funds, i.e. by the Greenland Home Rule government and the municipalities in Greenland. This applies to rental housing, cooperative housing and single-family houses. The responsibility for housing was transferred from the Danish Government to the Greenland Home Rule government in 1987. Since then the Home Rule government has laid down rules in this area. The objective in relation to housing in Greenland is that there should be a dwelling for each co-habitant couple, as well as a dwelling for all single people above the age of 20.

451. The construction of publicly financed housing is governed by DA No. 944 of 23 December 1986 concerning subsidies for the construction of housing and GPR No. 1 of 31 October 1991 concerning cooperative housing. The rental of dwellings is subject to GPR No. 3 of 13 June 1994 concerning the rental of dwellings. The purpose of the rent GPR is to ensure that rents are kept at a reasonable level. The GPR also contains a provision to the effect that 10 per cent may be deducted from the rent for each child in the family under the age of 18 living at home, the maximum deduction being 60 per cent.

452. In addition housing benefits are granted to low-income families in pursuance of GPR No. 1 of 17 October 1993 concerning housing benefits. The size of the benefit is determined on the basis of an assessment of the dwelling and the rent, as well as the size, composition and income of the family.

## Article 12

453. When Greenland took over the health services from the Danish Government on 1 January 1992, Greenland adopted the objective of the World Health

Organization concerning "Health for All by the Year 2000". All citizens of Greenland must therefore be given the best possible opportunities for achieving a good standard of living by having general access to the services offered by the health sector.

454. In general terms the health services in Greenland are structured in accordance with the basic principles outlined in the Convention.

455. As an element to ensure achievement of the objective of "Health for All by the Year 2000" a wide range of health services are offered free of charge. Health education in Greenland is being strengthened on an ongoing basis. The objective is to adapt education to conditions in Greenland, at the same time ensuring a high standard of health services.

456. Greenland is aware that prevention is an important element in the improvement of the health of the population in general. The health services therefore endeavour to make individual citizens aware of their fundamental responsibility for their own health.

457. The services provided by the health authorities in Greenland are regularly assessed and made more efficient and effective. After the take-over of health services, the political objective has resulted in the following legislation:

(a) GPR No. 8 of 30 October 1993 concerning health services, etc. This regulation establishes the overall guidelines for health services in Greenland and describes the services offered to citizens. The legislation also includes rules on the authorization of health sector personnel, rules concerning job areas to be covered by health staff, and rules concerning vaccination, medicine and transport to hospitals;

(b) GPR No. 7 of 30 October 1992 concerning the management and organization of the health sector contains overall guidelines for the organization and structure of the health sector, including parliamentary monitoring of the health sector. This legislation comprises rules on the division of the country into districts and the functions to be carried out by hospitals. In addition, rules have been laid down concerning district health boards, including a number of rules on preventive measures. One such preventive measure has been ensured by the adoption of GPR No. 5 of 3 November 1994 concerning tobacco, smoke-free areas and the labelling of tobacco products.

## Article 13

458. No legislation exists in Greenland which is contrary to the rights established in article 13 (1) of the Convention.

459. It appears from the Danish Constitution of 5 June 1953 that all children in the age group subject to compulsory education are entitled to free primary and lower secondary education. However, parents or guardians who ensure that their children receive education comparable to the general standards of State school education are not obliged to let their children follow primary and lower secondary State education.

460. The rules concerning primary education in Greenland are deemed to comply with the requirements of the Convention concerning primary education. These rules are fully comparable to those applying to Danish State schools. Primary education in Greenland is governed by GPR No. 10 of 25 October 1990 concerning primary and lower secondary education, as amended by GPR No. 8 of 13 May 1993 and GPR No. 1 of 1 March 1994.

461. It appears from sections 32 and 34 that any child living in Greenland is subject to compulsory education as from the year in which the child reaches the age of 6 and for nine years thereafter. In addition, it appears from section 33 that the compulsory system implies a duty to participate in the education provided by the primary and lower secondary State education system, or education equivalent to the standards of the primary and secondary State education system. It appears from section 13 of the GPR that, on request, a pupil may be exempted from classes of Christian studies if his or her parents declare in writing to the head of the school that they are willing to ensure religious education of the child themselves.

462. The legislation applying in Greenland must be said to comply with the requirements of the Convention, in that:

(a) Primary education is compulsory and free of charge;

(b) Parents and guardians are entitled to choose schools other than those established by the public authorities;

(c) Parents and guardians are entitled to ensure religious and moral education of their children in conformity with their own convictions.

463. In Greenland secondary education mainly means vocational training and education, governed by legislation including GPR No. 16 of 28 October 1993 concerning vocational training and education, education grants and occupational counselling. It appears from section 3 of the GPR that vocational training and education is available to all individuals who meet the stipulated requirements for admission, who have been resident in Greenland or have had a permanent address in Greenland for at least 10 years, and who have not been resident outside Greenland for more than 3 years.

464. The Directorate of Culture, Education and Ecclesiastical Affairs expects the Home Rule government's order on basic, decentralized education to be adopted in the spring of 1996. When the order has been adopted the requirements for admission to vocational training and education will be met if the student has entered into a work practice agreement and meets the specific admission requirements laid down in the orders concerning the training and education concerned.

465. The order covers basic, decentralized vocational training and education in Greenland in the following main areas: metalworking; construction; commercial and clerical trades; food trades; fisheries; social services; health services; graphic trades; service trades. In addition, training as a sheep farmer and training in tourist trades are offered. Furthermore, vocational and advanced training and education are offered in several of the areas mentioned.

466. It appears from section 4 of GPR concerning vocational training and education, education grants and occupational counselling that such training and education are free of charge and that the Home Rule government decides whether participants are to pay partly or fully for study materials which become the property of the participants.

467. In Greenland higher education means further education. This education is governed by DA No. 582 of 29 November 1978 concerning vocational training and education.

468. The Greenland Home Rule government offers upper secondary education in pursuance of DA No. 431 of 13 June 1990 concerning upper secondary education, etc. and GPR No. 108 of 17 February 1992. In addition higher education is offered in the following areas:

(a) Health assistants and nurses (DA No. 9 of 13 May concerning the education of health assistants and nurses);

(b) Journalists (GPR concerning the education of journalists);

(c) Primary and lower secondary school teachers (GPR No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(d) Social workers (GPR No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(e) Social pedagogues (GPR No. 1 of 16 May 1989 concerning the education of teachers for primary and lower secondary education and social education);

(f) University education (GPR No. 3 of 9 May 1989 concerning Ilisimatursafik).

A common feature of all these types of education is that they are free of charge for students and open to everybody meeting the specific admission requirements.

469. At present the legislation concerning the education of social workers is being revised, one purpose being to make admission requirements more strict in order to bring them in line with the admission requirements applying to other types of higher education. In the future, the general rule will be that students must have passed a number of A-levels to be admitted to the education.

470. As explained in relation to primary, secondary and higher education, the education system in Greenland must be assumed to cover all levels. Students in Greenland may apply for admission at institutions of education both in Denmark and Greenland. In relation to admission to Danish institutions of education applicants from Greenland apply on equal terms with Danish applicants. As explained below, study grants are provided for students admitted to a Danish institution of education.

471. According to section 6 of GPR No. 16 of 28 October 1993 concerning vocational training and education, education grants and occupational counselling, study grants are provided for lines of education designated by the Home Rule government. At present study grants are provided for all lines of education listed in Sunngorlangatoq (Education Key) and Periarfissat (Education in Denmark) (cf. sect. 1 of HRO No. 17 of 3 July 1995 concerning study grants). However, the Directorate for Culture, Education and Ecclesiastical Affairs may decide that other lines of education are eligible for study grants as well. In addition, grants may be provided for continuation education, i.e. the general school-leaving examination (FSA), the advanced school-leaving examination (FSUA) and the higher preparatory examination (HF).

472. The following requirements must be met in order to obtain study grants:

(a) Danish citizenship;

(b) Permanent address in Greenland in relation to education in Greenland;

(c) Permanent address in Greenland at the time of application and residence in Greenland for at least 5 years prior to the application, or permanent residence in Greenland for at least 10 years, with no more than 3 years spent outside Greenland.

473. Study grants are provided in the form of a basic monthly sum. In addition, child allowances, grants for necessary textbooks, grants for medication, grants for acute dental treatment, and grants for bus and train transport may be provided (cf. sect. 16-19 of the HRO concerning study grants). Students are also entitled to free travel, transport in relation to holidays and transport of goods. In addition, they may apply for study loans.

474. In addition, grants may be provided to pupils in the last years of primary and lower secondary education (cf. GPR No. 5 of 28 October 1982 concerning grants for pupils in the last years of primary and lower secondary education). The purpose of these grants is to ensure that such pupils will be in a financial position enabling them to continue lower secondary education after the ninth year (cf. sect. 34 of GPR No. 10 of 25 October 1980 concerning primary and lower secondary education).

475. The legislation in force encourages those who have not received or completed primary and lower secondary education in the following ways.

476. First of all, it is possible to continue basic primary and lower secondary education for one or two years in the tenth and eleventh forms. Such continuation education is supported in accordance with the provisions of GPR No. 5 of 28 October 1982 concerning support for the last years of primary and lower secondary education. In addition, it is possible to follow single-subject courses under Greenland's upper secondary education system (cf. HRO on students under Greenland's upper secondary education system). Grants are offered in relation to such courses (cf. HRO concerning study grants). The courses are free of charge.

477. Moreover it is possible to follow single-subject courses for adults (cf. HRO on continuation education in preparation for lower secondary general and advanced school-leaving exams). The purpose is to give people who have dropped out of primary and lower secondary education an opportunity to ensure personal development and to acquire skills and knowledge enabling them to comply with requirements in relation to higher education. In pursuance of section 8 a fee is charged for participation in such courses (cf. the provisions concerning participation in adult education). However, books and other study materials are placed at the disposal of the students free of charge.

## Article 14

478. Since the legislation applying in Greenland is deemed to meet the requirements laid down in article 13 of the Convention, no detailed plan of action for progressive implementation as outlined in article 14 has been formulated.

## Article 15

479. The legislation in force in Greenland does not contain any provisions limiting the right to take part in cultural life. There is freedom of association.

480. Several nationwide artistic and cultural organizations, institutions and associations receive grants provided for by the Finance Act adopted by the Home Rule Parliament under the headings of other leisure activities, culture and general education and public information, including: the Federation of Women's Associations in Greenland, Kalaallit Nunsaanni peqatigiinniat kattuffiat, the Inuit Federation, Silamiut, the Nordic Institute, Kalaaleq, local radio and TV stations, Kalaallit Nunaanni Erinarsoqatigiit kattuffiat, local newspapers, Team Greenland, Inunneq Nakuuneq, Soriak, Sukorsaq, the Greenland Scouts, the Greenland Sports Association, Kalallit Roede Korsiat and Kattuffik "Utoqqaat Nipaat".

481. The account for "cultural initiatives" is used for grants for all kinds of cultural activities. Grants are typically given to cultural organizations and associations or to individuals for special projects. The account for "support to artists" is used for work grants to artists in the areas of visual art, literature, music, arts and crafts, artistic design and cultural research. The Home Rule government also provides grants for meeting facilities and community centres, as well as to Greenland centres in Denmark. Grants are provided to local artistic and cultural organizations in pursuance of GPR No. 5 of 9 April 1992 concerning leisure activities.

482. The institutional infrastructure in Greenland is made up of museums (cf. GPR No. 4 of 18 May 1990 concerning museums and archives). The Greenland National Museum and Archives are financed by the Greenland Treasury. The National Museum provides grants for local museums. Sixteen out of the 18 municipalities have museums.

483. GPR No. 4 of 15 September 1979 concerning libraries contains provisions about a central National Library and a public library in each municipality, with branches in settlements.

484. A Greenland House of Culture is being constructed in the capital, Nuuk. The House of Culture will comprise a theatre, a cinema, exhibition facilities and offices. All towns and most settlements have community centres or assembly halls.

485. There is only one professional theatre company in Greenland: Silamiut. The community centres and assembly halls mentioned above are also used for local amateur theatre activities.

486. There are several arts and crafts workshops run by municipal authorities.

487. In terms of education the Greenland Art School (Eqqumiitsuliorfik) offers one- or two-year courses in drawing, graphic techniques, logo design, painting, sculpting and relevant theory. At present, drama education is carried out by the Silamiut.

488. Study grants may be provided for education and training outside Greenland in the form of a fixed monthly sum, rent allowances and grants for study materials. In addition, the journey to and from the place of education is paid.

489. Denmark has ratified the Berne Convention of 1886 (as amended in 1971).

490. Greenland has no independent legislation concerning copyrights. The following Danish acts and administrative rules also apply in Greenland:

(a) DA No. 158 of 31 May 1961 (as amended) concerning copyright;

(b) PO No. 272 of 21 July 1962 concerning the taking of photographs;

(c) DO No. 260 of 14 July 1962 concerning remuneration for use of material;

(d) PO No. 142 of 6 April 1997 concerning the storage and use of radio and TV programmes for teaching purposes;

(e) DO No. 97 of 13 December 1980, the World Convention on Copyright;

(f) DO No. 440 of 8 June 1990 concerning consequential right remuneration;

(g) DO No. 452 of 18 June 1992 concerning the application of the act;

(h) DA No. 157 of 31 May 1991 (as amended) concerning photographs;

(i) DO No. 142 of 6 April 1997 concerning the storage and use of radio and TV programmes for teaching purposes.

491. The following legislation relates to measures ensuring the protection, development and dissemination of science and culture, the freedom of scientific research and creative activity:

(a) GPR No. 4 of 18 May 1990 concerning museums and archives. The Greenland National Museum and Archives (NKA) is an institution under the Greenland Home Rule government. It is financed through government grants and is under an obligation to register, collect, protect, investigate and disseminate Greenland's cultural heritage, including art and ethnography;

(b) GPR No. 4 of 15 September 1979 concerning libraries. Libraries in Greenland must promote information, education and cultural activities by placing books and other suitable material at the disposal of all interested parties free of charge and by carrying out information activities. When selecting material, libraries must place emphasis on quality, versatility and topicality. No political or religious censorship is allowed;

(c) GPR No. 3 of 9 May 1980 concerning Ilisimatusarfik (the University of Greenland). The objective of Ilisimatusarfik is to carry out research, provide higher education and disseminate knowledge of scientific work processes and results;

(d) GPR No. 3 of 17 May 1990 (as amended) concerning radio and television activities;

(e) DO No. 2 of 24 January 1991. Statutes for Kalaallit Nunaata Radioa. Kalaallit Nunaata Radioa (KNR) is an independent public institution, entitled and obliged to broadcast radio and television programmes including news programmes, informative programmes, entertainment programmes and programmes on art. When deciding on the range of programmes to be broadcast, emphasis must be placed on objectivity and impartiality. Special emphasis must be placed on the requirement of freedom of information and speech;

(f) DO No. 4 of 26 November 1991 concerning local radio and television activities.

492. Atuakkiorfik A/S is a limited liability company based in Nuuk. The objective of the company is to carry out publishing activities in Greenland and about Greenland, including fiction, specialist literature and teaching material, and to carry out information activities and contribute to the general information of the public and the cultural debate in Greenland, as well as to disseminate knowledge about Greenlandic literature in Greenland and elsewhere.

493. Katuaq, the Greenland House of Culture, is located in Nuuk. Its objective is - in collaboration with institutions, organizations, individuals and companies - to stimulate and develop cultural life in Greenland on the basis of free, independent artistic assessment. The institution is to contribute to the dissemination of Nordic art and culture in Greenland and to the dissemination of Greenlandic art and culture in the Nordic countries. In addition, the institution is to ensure cultural cooperation between Greenland and other Inuit areas.

494. The Silamiut theatre is an independent institution receiving grants from the Greenland Home Rule government via the Finance Act. The objective of the theatre is to ensure increased knowledge of Inuit culture and the history of Greenland through theatre activities, and to develop Inuit art and its potentialities through exhibitions, exchange programmes and similar activities.

495. Formal Nordic and international cooperation on culture is ensured through, for example, Greenland's membership of the Nordic Council, the Nordic Council of Ministers and the Inuit Circumpolar Conference (ICC), which represents about 115,000 Inuits living in the Arctic area. ICC achieved consultative status as a non-governmental organization (NGO) with the United Nations Economic and Social Council in 1983.

496. In addition Greenland has entered into a number of cooperation agreements concerning culture and education, for example with the territorial government of the North West Territories and the provincial government of Quebec, Canada. In 1993 the Greenland Home Rule government entered into formal cooperation with the Arctic Winter Games International Committee of 1968 concerning Greenlandic participation in the culturally orientated sports events arranged by the Arctic Winter Games every second year.

497. Cultural cooperation between Greenland, Iceland and the Faroe Islands is expected to achieve formal status in week 8 (beginning 19 February) 1996.

498. As regards cooperation at the institutional level, the formal or statutory objectives of a number of institutions in Greenland involve cooperation with Danish and foreign institutions and/or the dissemination of knowledge of Greenlandic culture in other countries. This applies, for example, to the Greenland National Museum and Archives, the Nordic Institute, the Greenland centres in Denmark, the Greenland House of Culture, Silamiut and Atuakkiorfik A/S. In addition, extensive cultural cooperation takes place at the institutional and administrative levels.

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